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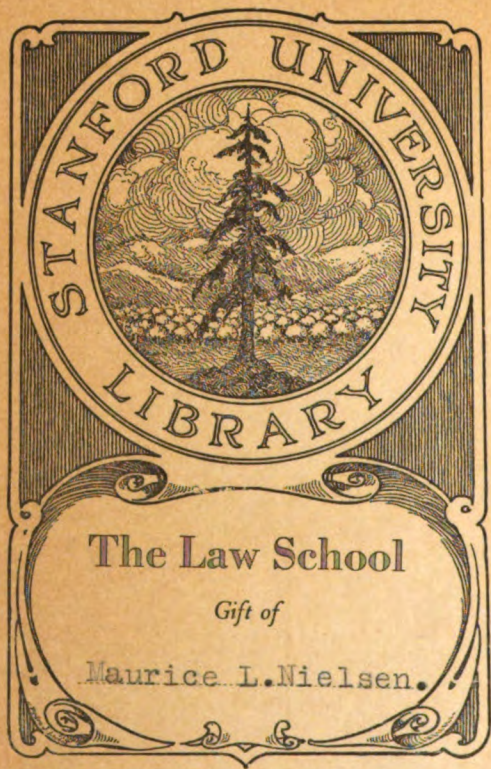
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THE
LAWS OF WISCONSIN,
=

PASSED BY THE

LEGISLATURE IN THE YEAR 1873,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

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LIST OF MEMBERS AND OFFICERS.

"Section 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of 1854, Chapter 94.*

NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY,
PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE
LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE
LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
C. C. Washburn	Governor	Madison	Dane.
*M. H. Pettit	Lieut. Governor ...	Kenosha	Kenosha.
Charles J. Martin ..	Private sec. gov....	Madison	Dane.
Ll. Breese	Sec'y of State	Portage	Columbia.
John S. Dean	Ass't sec. of state ..	Madison	Dane.
Henry Betz	State Treasurer ...	Manitowoc	Manitowoc.
William Ketcham ..	Ass't state treas. ...	Richland City ..	Richland.
Stephen S. Barlow ..	Attorney General ..	Kilbourn City ..	Columbia.
P. L. Spooner	Ass't att'y gen'l ...	Madison	Dane.
Samuel Fallows	State Superintend't ..	Milwaukee	Milwaukee.
J. B. Pradt	Ass't state sup't....	Madison	Dane.
George F. Wheeler ..	State Prison Com'r ..	Nanaupa	Fond d' Lac
Ole C. Johnson	Com'r of Immigra'n ..	Milwaukee	Milwaukee.
O. M. Conover	State Librarian ...	Madison	Dane.
A. A. Meredith	Sup't Pub. Prop'ty ..	Madison	Dane.
DIST.			
12 Bacon, Orrin ...	Senator	Monticello	Green.
5 Baker, Robert H. ...	.....do	Racine	Racine.
10 Blair, William ..	.....do	Waukesha	Waukesha.
33 Brown, Orlando ..	.....do	Modena	Buffalo.
13 Burchard, S. D. ...	.....do	Beaver Dam ..	Dodge.
11 Campbell, Fr'ncis ..	.....do	Gratiot	LaFayette.
8 Cotzhausen, F. W. ...	.....do	Milwaukee	Milwaukee.

*Deceased.

LIST OF MEMBERS AND OFFICERS.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
DIST.			
17. Davis, Horatio N.	Senator	Beloit	Rock.
26. Davis, R. E.	do.	Middleton	Dane.
28. Eaton, Henry L.	do.	Lone Rock	Richland.
23. Greene, Walter S.	do.	Milford	Jefferson.
18. Hiner, Wm. H.	do.	Fond du Lac	FondduLac
31. Hixon, G. C.	do.	La Crosse	La Crosse.
16. Holloway, J. C.	do.	Lancaster	Grant.
24. Irish, Joseph E.	do.	Hudson	St. Croix.
7. Johnson, John A.	do.	Madison	Dane.
27. Jones, Evan O.	do.	Cambria	Columbia.
22. Kreiss, Geo.	do.	Appleton	Outagamie.
2. Lindsley, M. P.	do.	Green Bay	Brown.
9. Little, Francis	do.	Mineral Point	Iowa.
6. Mitchell, John L.	do.	Milwaukee	Milwaukee.
21. McCord, M. H.	do.	Shawano	Shawano.
19. McCurdy, Robt.	do.	Oshkosh	Winnebago.
4. Nelson, William.	do.	Viroqua	Vernon.
1. O'Rourke, P. H.	do.	Cascade	Sheboygan.
8. Pratt, Samuel	do.	Spring Prairie	Walworth.
25. Potter, Robt. L. D.	do.	Wautoma	Wausara.
14. Quimby, John B.	do.	Sauk City	Sauk.
33. Schantz, Adam	do.	St. Lawrence	Washingt'n
15. Schmidt, Carl H.	do.	Manitowoc	Manitowoc.
29. Scott, Thomas B.	do.	Grand Rapids	Wood.
30. Thorp, Joseph G.	do.	Eau Claire	Eau Claire.
20. Wagner, Joseph.	do.	Calvary	FondduLac
Allen, James H.	Member of Assembly.	Sparta	Monroe.
Armstrong, Wm. H.	do.	Darlington	La Fayette.
Bardwell, Sherman	do.	Plainfield	Wausara.
Barron, Henry D.	do.	St. Croix Falls	Polk.
Bartlett, Wm. P.	do.	Eau Claire	Eau Claire.
Bartran, Wm. H.	do.	Flintville	Brown.
Becher, John A.	do.	Milwaukee	Milwaukee.
Becker, Moritz N.	do.	Milwaukee	Milwaukee.
Bleekman, A. E.	do.	Tomah	Monroe.
Bodenstab, Julius	do.	Howard's Grove	Sheboygan.
Brace, Henry C.	do.	Fall River	Columbia.
Brannan, Samuel S.	do.	Portage	Columbia.
Button, Seth W.	do.	Trempealeau	Trempeal'u
Cady, Chas. A.	do.	Dell Prairie	Adams.
Caldwell, Columbus	do.	Lind	Waupaca.
Chamberlin, Chas. E.	do.	Ozaukee	Ozaukee.
Cheever, Dustin G.	do.	Clinton	Rock.
Clark, Satterlee	do.	Horicon	Dodge.
Clements, David R.	do.	Stevens Point	Portage.
Clise, Wm. H.	do.	Lancaster	Grant.
Cornwall, Hiram H.	do.	Verona	Dane.
Curtis, Joseph S.	do.	Green Bay	Brown.
Daane, Peter, Jr	do.	Ootsburg	Sheboygan.
Davis, John W.	do.	Fox Lake	Dodge.
Davis, Orsamus S.	do.	Cato	Manitowoc.
Devy, Patrick	do.	Watertown	Jefferson.
Dewane, Denis	do.	Cooperstown	Manitowoc.
Douglass, Carlos L.	do.	Walworth	Walworth.
Doyle, Peter	do.	Prairie du Chien	Crawford.
Elkins, John	do.	Racine	Racine.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
Evans, John M.....	Member of Assembly	Evansville.....	Rock.
Farr, Asahel.....	do.	Kenosha.....	Kenosha.
Fay, Truman M.....	do.	Byron.....	FondduLac
Felt, Eugene K.....	do.	Beloit.....	Rock.
Foote, Apollos D.....	do.	Berlin.....	Green Lake
Foster, Carlton.....	do.	Oshkosh.....	Win'ebago.
Fuller, Wilfred C.....	do.	Waupun.....	FondduLac
Fulton, David C.....	do.	Hudson.....	St. Croix.
Gibbs, Chas. R.....	do.	Whitewater.....	Walworth.
Gnewuch, Ferdinand.....	do.	Watertown.....	Jefferson.
Houghton, Horace E.....	do.	Durand.....	Pepin.
Hubbell, Richard W.....	do.	Oconto.....	Oconto.
Hutchinson, Chris'tr.....	do.	Beetown.....	Grant.
James, Norman L.....	do.	Richland Centre	Richland.
Jerman, Peter.....	do.	Rising Sun.....	Crawford
Kellogg, Jno.....	do.	Reedsburg.....	Sauk.
Kelsey, Chas. S.....	do.	Montello.....	Marquette.
Kerl, Otto.....	do.	Cross Plains.....	Dane.
Lees, Robert.....	do.	Gilmantown.....	Buffalo.
Leland, Frank.....	do.	Elkhorn.....	Walworth.
Lewis, Renssalaer M.....	do.	Fond du Lac.....	FondduLac
Loper, Alonzo A.....	do.	Ripon.....	FondduLac
Luchsinger, Jno.....	do.	New Glarus.....	Green.
Lynch, Thomas.....	do.	Chilton.....	Calumet.
McConnell, Thomas.....	do.	Winneconne.....	Winn'bago.
McGrath James.....	do.	Milwaukee.....	Milwaukee.
McMillan, Alex.....	do.	La Crosse.....	La Crosse.
Merritt, Edward E.....	do.	Neillsville.....	Clark.
Monteith, Jno.....	do.	Fennimore.....	Grant.
Nichols, Henry F. C.....	do.	New Lisbon.....	Juneau.
Ostrander, James W.....	do.	Jefferson.....	Jefferson.
Palmer, Henry L.....	do.	Milwaukee.....	Milwaukee.
Parks, Francis G.....	do.	Eagle.....	Waukesha.
Patterson, Henry A.....	do.	Janesville.....	Rock.
Persons, James H.....	do.	Plum City.....	Pierce.
Plumer, Daniel L.....	do.	Wausau.....	Marathon.
Porter, Jno. L.....	do.	Pacific.....	Columbia.
Pound, Albert E.....	do.	Chippewa Falls	Chippewa.
Puhlman, Otto.....	do.	Plymouth.....	Sheboygan.
Putnam, Geo. W.....	do.	Ash Ridge.....	Richland.
Rankin, Joseph.....	do.	Manitowoc.....	Manitowoc.
Rhoda, David.....	do.	Oconomowoc.....	Waukesha.
Rich, Corydon L.....	do.	Shiocton.....	Outagamie.
Richards, Richard.....	do.	Racine.....	Racine.
Robinson, Wm.....	do.	Mineral Point.....	Iowa.
Romer, Jno. A.....	do.	Appleton.....	Outagamie.
Rowe, Wm. E.....	do.	Arena.....	Iowa.
Runkel, Jno.....	do.	Lowell.....	Dodge.
Sander, Jacob.....	do.	Milwaukee.....	Milwaukee.
Sanger, Casper M.....	do.	Milwaukee.....	Milwaukee.
Sawyer, Hiram W.....	do.	Hartford.....	Wash'ngtn.
Sayre, David F.....	do.	Fulton.....	Rock.
Seaman, Galen B.....	do.	Milwaukee.....	Milwaukee.
Short, Dennis.....	do.	Theresa.....	Dodge.
Stebbins, De Wayne.....	do.	Ahnepee.....	Kewaunee.
Steinfort, Casper H.....	do.	Lake Mills.....	Jefferson.
Stemper, Jno. B.....	do.	Milwaukee.....	Milwaukee.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
Stephens, Thos. G...	Member of Assembly	Hazel Green...	Grant.
Tate, J. Henry.....	do.....	Viroqua.....	Vernon.
Thornton, Oliver W.	do.....	Marshall.....	Dane.
Tobin, Thomas.....	do.....	Five Mile House	Milwaukee
Van Schaick, I. W...	do.....	Milwaukee.....	Milwaukee
Vilas, Levi S.....	do.....	Madison.....	Dane.
Wall, Thomas.....	do.....	Oshkosh.....	Winnebago
Weil, Baruch S.....	do.....	Schleisingerv'e.	Washing'tn
Weiss, Gottlob E....	do.....	Milwaukee.....	Milwaukee
Wood, Alson.....	do.....	Waukau.....	Winnebago
Young, John.....	do.....	Black Hawk...	Sauk.
Zimmerman, Adolph	do.....	Mequon River.	Ozaukee.
Zorn, Chas. R.....	do.....	Kiel.....	Manitowoc
*Milton H. Pettit...	Lt. Gov. & Pres. Sen.	Kenosha.....	Kenosha.
Henry L. Eaton.....	Pres. Senate <i>pro tem</i>	Lone Rock....	Richland.
Henry D. Barron....	Speaker of Ass'bly.	St. Croix Falls.	Polk.
James H. Waggoner	Chief Clerk Senate.	Richland Cent'r	Richland.
Sid. A. Foster.....	Ass't Clerk Senate..	Durand.....	Pepin.
E. W. Young.....	Chief Cl'k Ass'bly.	Prairie du Sac.	Sauk.
Fred. A. Dennett....	Ass't Cl'k Assembly	Sheboyg'n Falls	Sheboygan.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [*thus.*]

*Deceased.

LA WS OF WISCONSIN.

CHAPTER 1.

[*Published January 29, 1878.*]

AN ACT to amend section one of chapter two of the general laws of 1869, entitled "an act to regulate the time for holding the general terms of the circuit court for the sixth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two of the general laws of the state of Wisconsin, for the year 1869, is hereby amended by striking out the words, "on the first Tuesday of March," where said words appear in the third and fourth lines of said section, and inserting in lieu thereof, the words, "on the fourth Tuesday of February," so that part of said section one of said chapter shall read: The general terms of the circuit court for the sixth judicial circuit shall hereafter be held as follows: In the county of Clark on the fourth Tuesday of February and the first Tuesday of September in each year." Amended.
Terms for Clark
county.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved January 16, 1878.

CHAPTER 2.

[Published January 29, 1873.]

AN ACT to amend an act entitled, "an act to incorporate the city of Eau Claire," approved March 2, 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Shall remain a toll bridge.

SECTION 1. Section thirty-three of chapter eleven of said act is hereby amended by adding the following: "*and it is further provided, that said bridge already constructed, and now in use, shall be and remain a toll bridge, until the receipts of toll thereon shall have equalled the amount of said city bonds, so issued as in this section provided, together with the interest thereon, after deducting the cost of collecting said tolls, and the cost of all repairs on said bridge authorized by the common council of said city.*"

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1873.

CHAPTER 3.

[Published January 29, 1873.]

AN ACT to provide for holding a special town meeting in the town of Waterloo, in the county of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May call special meeting.

SECTION 1. The chairman of the board of supervisors of the town of Waterloo, in the county of Jefferson, is authorized to call a special town meeting to be held at such place in said town, and at such time as the said chairman of the town board may designate, to take into consideration the propriety of employing counsel to represent the town, and protect its interests in the suit now pending in the supreme court of the United States against the said town of Waterloo, and in such other

suits, if any, as may be hereafter commenced against said town on account of any liability therein incurred prior to the incorporation of said village of Waterloo in which meeting the inhabitants of the village of Waterloo are hereby authorized to participate and vote, in the same manner, and to like extent as they might or could have done if said village had not been incorporated and separated from said town. The chairman of the said town board shall give notice of the time and place of holding such meeting, by posting up a notice thereof, to be signed by him, in three of the most public places in said town, and also in three of the most public places in said village of Waterloo, at least ten days before the time fixed for such meeting, and a copy of such notice shall be deposited in the office of the town clerk of said town, and shall be recorded at length in the records thereof. The meeting hereby authorized to be held shall, when assembled, be conducted as other town meetings in said town are required by law to be conducted.

Shall give notice of meeting.

SECTION 2. This act shall be published as soon as passed, and shall take effect and be in force from and after its passage.

Approved January 22, 1873.

CHAPTER 4.

[Published January 29, 1873.]

AN ACT to authorize the city of Manitowoc to borrow money for the purpose of building a bridge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of aldermen of the city of Manitowoc are hereby authorized to borrow such sum or sums of money, not to exceed in the aggregate the sum of twenty thousand dollars, at such times as said board of aldermen may deem necessary, for the purposes hereinafter specified, and at the rate of interest not to exceed ten per cent. per annum.

May borrow money.

SECTION 2. For the sum or sums of money so borrowed, the said board of aldermen may cause city orders or city bonds to be issued, which orders or

May issue bonds—how executed.

Interest coupons.

bonds shall be signed by the mayor of said city and the city clerk, and be in such denominations as may be thought best by the said board of aldermen, and shall specify the time when each such order or bond shall become due and payable: *provided, however*, that no such order or bond shall be issued for a longer term or period than five years after the date of issue. Such orders or bonds shall have interest coupons attached thereto for the interest falling due thereon in each year, and such coupons shall be taken in payment for city taxes, in such years in which such coupons may become due and payable.

For what purpose moneys to be used.

SECTION 3. The moneys so borrowed shall be used only for the purpose of building a draw-bridge across the Manitowoc river, in said city of Manitowoc, at a place where Eighth street crosses said Manitowoc river.

Not to be used for repairs.

SECTION 4. No money borrowed under the provisions of this act shall be used for the purpose of repairing bridges or paying interest or principal on the orders or bonds issued under the provisions of this act, or principal or interest on any other indebtedness said city may have contracted or may hereafter contract, or for any other purpose whatsoever, except as specified in section three of this act.

Not to be re-issued.

SECTION 5. No order, bond or coupon issued under the provisions of this act, and paid by the city treasurer, shall be re-issued, nor shall new orders, bonds or coupons be issued for those which have been paid, cancelled and destroyed.

SECTION 6. All acts and parts of acts, so far as they conflict with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect from and after its passage.

Approved January 22, 1878.

CHAPTER 5.

[Published January 30, 1873.]

AN ACT to legalize the official acts of the overseer of road district number two, and the official acts of the clerk and treasurer in relation to the assessment and collection of taxes in the village of Fountain City, county of Buffalo, for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The return of delinquent taxes by the overseer of road district number two of the village of Fountain City in the county of Buffalo, for the year 1872, and the official acts of the clerk and treasurer of said village of Fountain City, in relation to the assessment and collection of taxes for the same year, are hereby legalized and declared valid. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1873.

CHAPTER 6.

[Published January 30, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Hospital for the Insane at Madison, for the payment of current expenses and repairs from January 1st, 1873, to February 1st, 1874, and for permanent improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of Appropriated any money in the general fund, not otherwise appropriated, the sum of eighty-five thousand eight hundred and twenty-two dollars, in full for the following purposes at the Hospital for the Insane at Madison, viz: For the payment of current expenses and ordinary repairs from January 1st, 1873, to February 1st, 1874, fifty-three thousand, nine hundred and forty-seven dollars; for repairs on laundry and boiler rooms and addi-

tions thereto, including new coal-house and smoke-stack, twenty-five thousand, eight hundred and seventy-five dollars; for carpenter and workshop, two thousand and five hundred dollars; for hose and connections, one thousand and five hundred dollars, and for increasing the supply of water, two thousand dollars.

To be drawn
quarterly.

SECTION 2. All sums for current expenses and ordinary repairs shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved January 29, 1873.

CHAPTER 7.

[Published January 30, 1873.]

AN ACT to appropriate a sum of money therein named, for the use of the Northern Hospital for the Insane at Oshkosh, for the payment of current expenses from February 1st, 1873, to February 1st, 1874, and for improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of fifty thousand dollars in full for the following purposes at the Northern Hospital for the Insane at Oshkosh, viz.: For the payment of current expenses from February 1st, 1873, to February 1st, 1874, forty-five thousand dollars; for improvement of grounds, garden and orchard, farm-stock, implements, etc., and vehicles for Hospital, five thousand dollars.

To be drawn
quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved January 29, 1873.

CHAPTER 8.

[Published February 8, 1873.]

AN ACT to provide for the purchase of sundry copies of Taylor's
Compilation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to purchase for the use of the state, such number of copies of the statutes of Wisconsin, as compiled by David Taylor, not exceeding one hundred, as may be necessary for the use of the legislature, upon such terms and conditions as may be most advantageous to the state. May purchase Taylor's Compilation.

SECTION 2. The sum of six hundred and seventy-five dollars is hereby appropriated from the state treasury in order to carry out the provisions of this act. Appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 30, 1873.

CHAPTER 9.

[Published February 1, 1873.]

AN ACT to legalize the action of the supervisors of the towns of Ettrick and Gale, in the county of Trempealeau, in the alteration and division of joint school district number six of said towns, and the formation by the town of Ettrick of school district number nine of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The action and proceedings of the town board of supervisors of the towns of Ettrick and Gale, in Trempealeau county, in the alteration and division of joint school district number six of said towns, and the action and proceedings of the town board of supervisors of the town of Ettrick, in said county, in the Action and proceedings legalized.

formation of school district number nine of said town are hereby in all respects legalized, and declared to be in all respects legal and valid, and it is hereby declared that the order of said board of supervisors of the town of Ettrick for the formation of said school district number nine of said town took effect for all purposes on the twenty-eighth day of October, 1872, when the same was filed in the town clerk's office of said town, notwithstanding the omission of the officers of the school district from which the territory was taken, to endorse their consent upon such order, and all subsequent proceedings, both of said district number nine, and of the district from which its territory was taken, including the election of officers, the voting of money and the levy of taxes therein are all hereby legalized and declared to be valid and binding, and it shall be lawful for the treasurer of said town to collect all school district taxes for said district which have been entered upon the tax list or roll of said town, in the same manner that other school district taxes are by law collected, notwithstanding any errors or omissions in the original formation or organization of said school district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 31, 1873.

CHAPTER 10.

[Published February 6, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Industrial School for Boys, for the payment of current expenses from January 1st, 1873, to February 1st, 1874, and for permanent improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of sixty-four thousand, five hundred dollars, for the use of the Industrial School for Boys, in full for the following purposes, viz: For the payment of current expenses from January 1st, 1873, to February 1st, 1874, thirty-seven thousand dollars; for permanent

improvements, twenty-seven thousand, five hundred dollars.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance. To be drawn quarterly.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 4, 1873.

CHAPTER 11.

[Published February 6, 1873.]

AN ACT for the relief of the assessors of certain towns in the county of Dane.

WHEREAS, The assessors of certain towns in the county of Dane, owing to a misunderstanding of the provisions of chapter sixty-seven of the general laws of 1871, failed to make out and return to the office of the town clerk a list of the names of persons owning or keeping dogs; and Preamble.

WHEREAS, The assessors thus delinquent are threatened with prosecution for such neglect or failure; therefore, for the purpose of relieving the assessors thus in default,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessors in each and every town in Dane county, Wisconsin, who have failed or neglected to comply with the provisions of chapter sixty-seven of the general laws of 1871, in whole or in part, are hereby authorized and required, within twenty days after the passage and publication of this act, to make out and return to the office of the town clerk of their several towns, a list of the names of every person owning or keeping any dog or dogs in said town, as provided in chapter sixty-seven of the general laws of 1871. Shall make return of persons owning dogs.

SECTION 2. Upon receiving the list provided for in the first section of this act, it shall be the duty of the How clerk to proceed.

town clerk to immediately proceed to discharge the duties imposed upon him by section two of chapter sixty-seven of the general laws of 1871.

How treasurer
to proceed.

SECTION 3. Upon the receipt of the list made by the town clerk, it shall be the duty of the town treasurer, to whom such list shall be delivered, to proceed immediately to collect the tax imposed, and to pay the same out in accordance with the provisions of section three of said chapter sixty-seven, general laws of 1871.

Penalty for non-
performance.

SECTION 4. Any officer who shall refuse or neglect to perform the duties prescribed by this act shall be punished as provided in section seven of chapter sixty-seven of the general laws of 1871.

SECTION 5. This act shall take effect and be in force from and after the passage and publication thereof.
Approved February 5, 1873.

CHAPTER 12.

AN ACT to provide for the improvement of Yellow river for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May collect
tolls.

SECTION 1. For the purpose of improving that branch of the Chippewa river known as Yellow river so as to facilitate and insure the driving and floating of logs and timber down and out of said river, it is hereby provided and enacted; That any person, association, company or corporation, their successors or assigns, who shall have improved said Yellow river, by clearing and straightening its channel, closing sloughs, erecting side, rolling and flooding dams, and shall keep in repair and operate the same so as to render the floating and driving of logs and timber down and out of said river practicable and reasonably certain, shall be entitled to receive and collect for such service and expenditure the following tolls, to wit: For and upon all logs and timber put in said river not more than twenty miles from its mouth designed to be run out of the same, ten cents per one thousand feet, board measure; for and upon all logs and timber put in said river within a distance of fifty miles, and more than twenty [miles] of its mouth, designed to be run out of the same, twenty

Rates of tolls.

cents per thousand feet; for and upon all logs and timber put in said river beyond a distance of fifty miles from its mouth, designed to be run out of the same, twenty-five cents per thousand feet, the distance to be computed by the channel of the river, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties: *provided*, that such person, association, company or corporation, having undertaken the improvement of said river for the purposes herein stated, shall not be entitled to receive tolls as hereinbefore provided, until at least ten thousand dollars shall have been expended on said improvements by such party or parties.

SECTION 2. It shall be lawful for any person, association, company or corporation, their successors or assigns, having improved said Yellow river as provided in section one of this act, to take possession of all logs and timber put in said river to be floated down and out of the same, the owners or agents of which shall not have made adequate provisions for driving, by furnishing all necessary tools, men, teams and provisions for breaking roll-ways at the proper time, and making a thorough drive of said logs out of said river without hindering the main drives, and to drive the same down and out of said river, and to receive and collect for such service for all logs and timber driven a distance of twenty miles or less, twenty cents for each thousand feet; for all logs and timber driven more than twenty and less than fifty miles, forty cents for each thousand feet; for all logs and timber driven more than fifty and less than seventy-five miles, sixty cents for each thousand feet, and for all logs and timber driven seventy-five miles or more, seventy-five cents for each thousand feet, board measure, the distance of driving to be computed and the amount of logs so driven to be determined in the same manner as provided in section one of this act.

May take possession of logs and timber.

May drive the same and rates for driving.

SECTION 3. For any tolls or charges as herein provided, which shall remain due and unpaid, the party to whom such tolls or charges shall be owing, shall have a lien on all logs upon which such tolls or charges or any part thereof shall remain unpaid, and on all other logs on said river owned by the party from whom such tolls or charges are due, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law.

May have lien for tolls and charges.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1873.

CHAPTER 13.

[Published February 6, 1873.]

AN ACT to amend section two of chapter one hundred and forty-four, general laws of 1872, entitled an act for the organization of corporations for manufacturing and other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended.

Capital of
Cheese Manu-
factories.

SECTION 1. Section two of chapter one hundred and forty-four of general laws of 1872, is hereby amended by inserting after the words, ten thousand dollars, where they occur in said section two, the words, "except associations formed for the purpose of manufacturing cheese and other products of the dairy, which associations may be incorporated under the provisions of this chapter, with a capital stock of not less than two thousand dollars," so that said section two of general laws of 1872, chapter one hundred and forty-four, will read as amended as follows: The persons so desiring to associate together and to form a corporation shall enter into written articles of association to be signed by them and acknowledged before an officer authorized to take the acknowledgment of deeds, stating distinctly the purposes for which such corporation is organized, the amount of capital stock of the same, which shall in no case be less than ten thousand dollars; except associations which may be formed for the purpose of manufacturing cheese and other products of the dairy, which associations may be incorporated under the provisions of this chapter, with a capital stock of not less than two thousand dollars; the number of shares into which the same shall be divided, the number of directors, and the officers by which the affairs of the corporation shall be managed and conducted, the corporate name by which the same is to be known, the place where the business of such corporation shall be carried on, and such other matters and provisions, not in conflict with the constitution and laws of this state or of the United States, as they may deem proper and shall agree upon, and shall file the same in the office of the secretary of state, where the same shall be recorded.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 5, 1873.

CHAPTER 14.

[Published February 12, 1878.]

AN ACT to repeal sections twenty-five, twenty-six and thirty of chapter six of the revised statutes, and sections fifteen, sixteen, seventeen and eighteen of chapter one hundred and fourteen of the general laws of 1858, relating to the classification and publication of the laws, journals and other documents, and to define the duties of the secretary of state relating to the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections twenty-five, twenty-six and thirty of chapter six of the revised statutes, and sections fifteen, sixteen, seventeen and eighteen of chapter one hundred and fourteen of the general laws of 1858, are hereby repealed. Repealed.

SECTION 2. The laws passed at each and every session of the legislature, from and after the passage of this act, shall be designated under one general name of "the laws of Wisconsin," and shall be numbered by the secretary of state in consecutive chapters as they are received from the governor, without reference to the subject matter of said laws, and shall be printed and bound in one volume, except when the number of pages shall exceed twelve hundred, in which case they shall be bound in two volumes, as nearly equal in size as may be; each volume to be indexed separately, and to be entitled volume one and volume two, respectively. How laws to be designated, numbered and bound.

SECTION 3. The laws and journals, messages of the governor, reports of state officers and commissioners of school and university lands, reports of committees of the legislature, and all other documents required by the legislature, or any department of the state, or any other document, the printing of which shall be authorized by law, to be hereafter printed, shall be of uniform size, and every full page of printed matter shall be of the width of four inches, and of the length of seven and a quarter inches, so as to admit of their being bound together in a compact form. Size of pages fixed.

SECTION 4. Ten thousand copies of the laws passed at each session of the legislature, including the joint resolutions and memorials, shall be printed and bound by the state printer, on good book paper, five hundred copies to be bound in full sheep, and the remainder in Number of copies to be printed.

Shall be compared and certified.

What acts to be published in official state paper.

Secretary of state to furnish copies of laws; state printer to print.

Journals of each house to be printed and bound.

half binding with sheep backs, to be distributed as provided by law for the distribution of the general laws. Each act, as it is printed, shall be compared by the secretary of state with the original enrolled act, and at the end of the volume or volumes, the said secretary of state shall annex his certificate, certifying that he has compared the printed copy with the original enrolled act, and that it appears to be correctly printed.

SECTION 5. Every act of general application, and all acts affecting counties, towns, cities, villages and school districts, public roads, highways and bridges, and the taxes to be raised therein or therefor, and all acts for the preservation of fish or of game, shall, before they shall take effect, be published in the official state paper, and such publication shall be made immediately after the passage and approval of the said acts; the said publication to be under the direction and supervision of the secretary of state. All acts affecting only individuals, private corporations and societies, shall take effect without such publication, unless it shall be specially provided in such acts that they shall be published before they shall take effect, and their publication in the official state paper, in such case, shall be specially ordered.

SECTION 6. The secretary of state shall furnish for the official state paper, copies of all laws required to be published, immediately after passage, and at the close of every session of the legislature, he shall also furnish for the state printer, copies of all the laws passed at said session, with an index and marginal or head notes, thereto attached, together with all the joint resolutions and memorials approved by the governor, and the said state printer shall print the said laws, resolutions and memorials, with all possible dispatch, but in the publication and printing of the said laws, resolutions and memorials, the signatures of the officers affixed to the enrolled act, resolution or memorial, shall be omitted, and the date of approval only shall be affixed thereto.

SECTION 7. There shall be printed on good book paper, and bound in half binding, with sheep backs, by the state printer, five hundred copies of the journals of each house of the legislature, to be delivered to the secretary of state, and to be by him distributed as provided by law.

SECTION 8. All provisions of law in any way conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1873.

CHAPTER 15.

[Published February 12, 1878.]

AN ACT relating to actions concerning real estate, and amendatory of chapter one hundred and forty-six, revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and forty-six of the revised statutes of Wisconsin, is hereby amended by adding thereto, what shall be known as section nineteen, and reading as follows: If the plaintiff in an action relative to real estate, or to quiet title thereto, cannot ascertain who are proper persons or parties to make defendants as to any tract or parcel of land described in the complaint, or if any parties having an interest in any such lands are unknown, and such facts be made to appear by affidavit, an order may be made by the court or the judge thereof, county judge or court commissioner, containing a description of the premises embraced within the suit, and requiring all parties interested to appear and answer the complaint, by a day in such order to be specified; which order shall be served personally, or shall be published once in each week successively, in such paper as may be designated in such order, and for such time as the court shall designate, not less than six weeks and not exceeding three months. The proof of personal service, or of the publication of such order, shall authorize the court to proceed to final judgment against all such unknown parties and persons not resident in this state or not found therein, as shall not appear and answer by the day mentioned in the order, or on such further day as the court may appoint, in the same manner as provided in other cases of failure to answer the complaint; and all such unknown parties as may appear shall be entitled to be made parties to the action, and the complaint may be amended accordingly.

Amended.

Shall make an order containing description of lands.

Upon proof of service of order, judgment may be entered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1878.

CHAPTER 16.

[Published February 12, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Institute for the Education of the Blind, for the payment of current expenses from February 1st, 1873, to February 1st, 1874, and for the purchase of land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty thousand, seven hundred and fifty dollars, in full, for the use of the Institute for the Education of the Blind, from February 1st, 1873, to February 1st, 1874, viz: for current expenses, twenty thousand, five hundred dollars, and for the purchase of land, two hundred and fifty dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 10, 1873.

CHAPTER 17.

[Published February 12, 1873.]

AN ACT authorizing the commissioners of school and university lands to loan twenty-five thousand dollars to the board of education of the city of Madison, and the board of education of the city of Madison, to borrow the same of said commissioners, and providing for the payment of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May loan portion of trust funds.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan at their discretion a portion of the trust funds of this state, not exceeding the sum of twenty-five thousand dollars, to the board of education of the city of Madison, and said board of education is hereby authorized to borrow a sum not exceeding the amount above named, of said

commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with one-fifth of the principal sum till the whole is paid.

SECTION 2. At the time and in the manner provided in the city charter, for levying taxes for city purposes, the common council of the city of Madison shall levy the amount of money required for the payment of the annual interest, and one-fifth of the principal sum loaned by the commissioners of school and university lands to the board of education of the city of Madison, as provided in the preceding section of this act.

Shall levy tax
to pay interest.

SECTION 3. It shall be the duty of the board of education, in or prior to the month of September, 1873, and annually thereafter till the said indebtedness is fully paid, to certify to the common council of the city of Madison, the amount requisite to meet the annual payment to the commissioners of school and university lands as hereinbefore provided. The treasurer of the city of Madison shall collect such sum and pay the same over to the treasurer of the board of education of said city, on or before the first day of April in each year, and the treasurer of said board of education shall pay the same to the commissioners of school and university lands, at or before the time the same shall become due.

Board of educa-
tion to certify
amount; treas-
urer to collect.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect from and after its passage.

Approved February 10, 1873.

CHAPTER 18.

[Published February 12, 1873.]

AN ACT to repeal chapter fifteen of the private and local laws of 1872, entitled an act to authorize the city of Fond du Lac to provide for markets and a city hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Chapter fifteen of the private and local laws of 1872, entitled an act to authorize the city of Fond du Lac to provide for markets and a city hall, is hereby repealed.

Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1873.

CHAPTER 19.

AN ACT to authorize Abel Neff and Samuel Neff to keep and maintain a bridge across Wolf river, at the village of Fremont, in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May construct
and maintain
toll bridge.

How bridge to
be built.

May collect toll
and the rates
thereof.

SECTION 1. Albert Neff and Samuel Neff, their heirs, assigns and legal representatives, are hereby authorized and empowered to construct and maintain a toll bridge across the Wolf river, at the village of Fremont, in the county of Waupaca, connecting the highway heretofore laid out to the west bank of said river, at the foot of the main street of said village, with the highway laid out to the east bank, being the main traveled highways leading to said river, and opposite, or nearly opposite, at their respective termini; said bridge to be built of such material and of such size and dimensions, and upon such plan as may be directed by said Abel Neff and Samuel Neff, their heirs, assigns or legal representatives: *provided*, the said superstructure shall be at least four feet above high water mark, and that the same shall be a safe, permanent and durable bridge, sufficient to accommodate the public travel; that the two spans of sixty feet each, under said bridge shall not be obstructed with anything so as to prevent the running of logs, lumber or rafts under said bridge; *and provided further*, that said bridge shall have a draw of at least seventy feet in the clear for the passage of all steamers, boats, vessels, barges and rafts that may navigate said river; such draw to be properly turned at all times during the season of navigation at the expense of those owning or managing said bridge.

SECTION 2. The said Abel Neff and Samuel Neff, their heirs, assigns and legal representatives, shall have the power and the legal right, immediately after the completion of said bridge, to demand, receive and collect tolls for passing over said bridge, at rates not exceeding the following: For any vehicle drawn by two horses, mules or oxen, twenty cents; for any vehicle

drawn by one horse or mule, fifteen cents; for horses and cattle in droves of ten or less, five cents a head; where the same are in droves of more than ten, three cents a head; sheep or hogs in droves of ten or less, three cents a head; if in droves of more than ten, two cents a head, and for each footman, five cents: *provided*, that foot passengers may have season contracts for passing over said bridge that shall not exceed one dollar and fifty cents.

SECTION 3. Said Abel Neff and Samuel Neff, their heirs, assigns, or legal representatives, shall keep posted up in a conspicuous place on said bridge the rates of toll established by them, not exceeding the rates allowed by this act. Rates to be posted up.

SECTION 4. Any person who shall forcibly or fraudulently pass over the bridge authorized by this act, without paying the legal toll, shall be guilty of trespass, and shall, for each offense, forfeit the sum of five dollars to and for the use of the legal owners of said bridge, to be recovered with costs, as in other actions of trespass, in any court having competent jurisdiction. Penalty for trespass.

SECTION 5. The said Abel Neff and Samuel Neff, their heirs, assigns or legal representatives, shall commence the construction of said bridge as soon as practicable after the passage of this act, and the same shall be fully completed and ready for travel within two years from and after the passage of this act, or this charter shall be forfeited. When to be commenced and completed.

SECTION 6. If the conditions contained in this act are fully kept and performed, this act shall continue in full force and operation for the period of twenty years after the passage hereof, and no longer, unless sooner repealed. Continuation of act.

SECTION 7. This act to take effect and be in force from and after its passage.

Approved February 10, 1873.

CHAPTER 20.

[Published February 18, 1878.]

AN ACT relating to appeals from justices' judgments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

On dismissal of appeal, papers to be transmitted to the justice.

SECTION 1. Whenever any party to a judgment rendered by a justice of the peace shall appeal to the circuit court of the proper county, and the appeal shall, for any reason, be dismissed, the clerk of the appellate court shall, as soon as may be after the time shall have expired to appeal from the order of dismissal, transmit all the papers in the case on said appeal to the justice from whose judgment the appeal was taken ; and the said justice shall thereupon proceed to enforce the collection of said judgment in the same manner as though no appeal had been taken.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1878.

CHAPTER 21.

[Published February 18, 1878.]

AN ACT to appropriate a sum of money to the persons therein named, for services as visiting committee of the state, for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Appropriated.

SECTION 1. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, for services rendered as the visiting committee of the state, for the year 1872, the sum of five hundred dollars (\$500) in full to the following named persons: J. E. Irish, J. L. Mitchell, D. G. Cheever, C. S. Kelsey and Joseph Rankin, one hundred dollars each.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1878.

CHAPTER 22.

[Published February 13, 1873.]

AN ACT to appropriate to the superintendent of public property the sum of ten thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the superintendent of public property, out of any money belonging to the general fund, not otherwise appropriated, the sum of ten thousand dollars, being the amount estimated as necessary for the purchase of stationery for the use of the state officers and the legislature for the ensuing year. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1873.

CHAPTER 23.

[Published February 14, 1873.]

AN ACT to legalize the official acts of William John, assessor, and the official acts of the town board of equalization of the town of Gillett, Oconto county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of William John, assessor of the town of Gillett, in the county of Oconto, for the year 1872, and the official acts of the town board of equalization of said town for the same year are hereby legalized and declared valid. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 24.

[Published February 14, 1873.]

AN ACT to amend an act to revise, consolidate and amend the act to incorporate the city of Prescott, and the several acts amendatory thereof, approved March sixteenth, 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where printing
may be done,
and notices
published.

SECTION 1. Whenever there shall not be a newspaper published in the city of Prescott, the common council of the city of Prescott may contract with the publisher of any newspaper published in the county of Pierce, to do the printing and publishing necessary to be done for said city of Prescott, and all ordinances, by-laws, rules, notices, proceedings or other publications required by the act of which this act is amendatory, or by the ordinances, by laws, rules, resolutions, orders or other proceedings of the common council of the city of Prescott, to be published, shall be published in the newspaper so contracted with by the said common council; and such publications, when made in such newspaper, shall have the same force and effect as if made in a newspaper published in the city of Prescott, and the affidavit of the publisher or foreman of such newspaper shall be conclusive evidence of the publication, and of the length of time of such publication.

May contract
with or without
bids.

SECTION 2. The common council of the city of Prescott may contract with or without bids, for a longer or shorter time, and may change from one to another newspaper at pleasure.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 25.

[Published February 18, 1873.]

AN ACT to amend chapter one hundred and seventy-two of the general laws of 1872, entitled "an act to amend section four of chapter one hundred and forty-nine of the general laws of 1871, entitled 'an act to provide for the incorporation of the Wisconsin State Horticultural Society, and the printing and publishing of its transactions.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-two ^{Amended.} of the general laws of 1872 is hereby amended by adding thereto the following, after section one: Section 2. There is hereby appropriated out of the general ^{Appropriated.} printing fund, the sum of one hundred and fifty dollars, to carry out the provisions of section one of this chapter.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 26.

[Published February 18, 1873.]

AN ACT to amend section one of chapter one hundred and one of the revised statutes entitled "of the payment of debts and legacies of deceased persons."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and ^{Amended.} one of the revised statutes entitled "of the payment of debts and legacies of deceased persons," is hereby amended by adding the following as subdivision three: When it shall appear from the inventory that there is no property belonging to said estate except the homestead, and that which is exempt from the payment of debts due from the deceased, and that to which the widow and children are entitled by law, and the administrator or executor shall petition for a final settle- ^{How to proceed with final settlement of estates.}

ment of the estate, setting forth also in the petition that there is no property belonging to the estate, except that which is exempt, and that the expenses of the last sickness, the funeral charges and expenses of administration have been paid, the county court shall thereupon cause a notice of such application to be given as now required by law, of the hearing of petitions for the final settlement of the estate, which notice shall also set forth the substance of the petition, and if upon the hearing, no person appear to oppose, or, if the facts set forth shall be established, the court is authorized to adjudge that no further proceedings shall be necessary in such estate, and to declare said estate to be settled, and to assign the same according to law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 27.

Published February 13, 1873.]

AN ACT to amend chapter ninety of the general laws of 1871, entitled an act to amend chapter fifty-five, general laws of 1870, entitled an act to amend chapter nineteen of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter ninety of the general laws of 1871 is hereby amended to read as follows: Section twenty-five of chapter nineteen of the revised statutes, entitled "of highways and bridges," is hereby amended by inserting at the end of the fifth line of the second subdivision, immediately after the word, "Sheboygan," the words, "Ashland, Bayfield, Burnett, Dallas, Douglas, Outagamie, Marathon, Polk, Waupaca, Kewaunee, Door, Vernon and Richland."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 28.

[Published February 14, 1873.]

AN ACT to amend chapter two hundred and thirty-one of the general laws of 1862, entitled "an act to amend section four of chapter one hundred and ninety-eight of the general laws of 1861, entitled "an act to provide for the publication of legal decisions,"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and thirty-one of the general laws of 1862, amendatory of an act passed in 1861, entitled "an act to provide for the publication of legal decisions," is hereby amended so that of the volumes of the reports of the decisions of the supreme court, purchased and delivered to the secretary or state, one copy of each volume shall be delivered to the district judge of the United States for each district in this state; and the provisions of this act shall extend not only to the volumes hereafter published, but to those already published, and which have not been furnished to each judge. Amended. Wisconsin reports to be distributed to district judges.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 29.

[Published February 14, 1873.]

AN ACT to amend section two of chapter one hundred and five of the private and local laws of 1871, entitled "an act to authorize the county treasurer of Shawano county to make and keep up an abstract of tax sales."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and five of the private and local laws of 1871, is hereby amended so as to read as follows: "Whenever redemptions are made or deeds for taxes are executed, the treasurer shall note the same in said abstract, and Amended. Redemption to be noted on abstract.

shall charge five cents for each tract so entered, and shall keep a just and true account of fees so received, which shall be chargeable to him upon his annual settlement, and deducted from his salary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1873.

CHAPTER 30.

[Published February 14, 1873.]

AN ACT to amend section thirty-five of chapter ninety-four of the revised statutes, entitled "of the sales of lands for the payment of debts, by executors, administrators and guardians."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Executor may
sell or mortgage
real estate of
testator.

SECTION 1. Section thirty-five of chapter ninety-four of the revised statutes is hereby amended so as to read as follows: "Section 35. When a testator shall have given any legacy by a will that is effectual to pass or charge real estate, and his goods, chattels, rights and credits shall be insufficient to pay such legacy, together with his debts and the charges of administration, the executor or administrator, with the will annexed, may be licensed to sell or mortgage his real estate for that purpose, in the same manner, and upon the same terms and conditions as are prescribed in this chapter in the case of a sale or mortgage for the payment of debts."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1873.

CHAPTER 31.

AN ACT requiring the West Wisconsin Railway Company to relay, maintain and operate its road from Tomah to Warren's Mills in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The West Wisconsin Railway Company shall relay track. is hereby required and directed to relay the track of said railway company from Warren's Mills, in the county of Monroe, along and upon the line heretofore used by said company to the point of connection with the Milwaukee and St. Paul Railway in the village of Tomah in said county, and equip the same in as good and substantial manner as the road of the said West Wisconsin Railway Company has been constructed and equipped and maintained from Warren's Mills, and complete the same and put it in operation, and run daily passenger and freight trains on the same on or before the first day of June, A. D. 1873, and thereafter to maintain and operate its said line of road from Tomah to Warren's Mills aforesaid, and run such daily trains thereon: *provided*, that nothing herein shall be construed so as in any manner to interfere with the operation and use of the road of said West Wisconsin Railway Company, as the same has been constructed and established, and is now operated by said West Wisconsin Railway Company, from Warren's Mills, through Camp Douglas to Elroy in the county of Juneau, but nothing in this proviso contained shall be construed as a waiver, either by the state of Wisconsin, or by any citizen or citizens thereof, of any rights or cause or causes of action now existing against said company for the enforcement of its or their rights in the premises.

Not to be construed to interfere with vested rights.

SECTION 2. In case the said West Wisconsin Railway Company shall fail, neglect or refuse to relay its said track upon that part of the line of its said road described in the first section of this act, within the time and in the manner in said first section of this act required, or shall fail and neglect to maintain and operate the same as in this act prescribed, the said West Wisconsin Railway Company shall, by such failure, neglect or refusal, forfeit all the rights, franchises, powers, privileges and grants conferred upon said company

Penalty for failure to comply with the provisions of this act.

by chapter two hundred and forty-three of the private and local laws of 1863, entitled "an act to incorporate the Tomah and Lake St. Croix Railroad Company, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee Railroad Company," or by any act amendatory thereof or explanatory thereto.

Attorney general authorized to institute suit.

SECTION 3. In case the said West Wisconsin Railway Company shall fail, neglect or refuse to relay its said track, or to maintain and operate its said road within the time as and in the manner in this act prescribed, or shall violate or fail to conform to any or all the provisions of this act, it shall be the duty of the attorney general and he is hereby authorized and required to institute a suit in the supreme court, by or in the nature of *quo warranto*, in the name of the state of Wisconsin, against the said West Wisconsin Railway Company, to enforce the forfeitures in this act provided, which said suit, when so instituted, shall be prosecuted to final judgment with all convenient speed, and the governor is hereby authorized to employ such counsel as he may deem necessary to assist the attorney general in the prosecution of said suit.

SECTION 4. This act shall take effect and be in force from after its passage.

Approved February 13, 1873.

CHAPTER 32.

[Published February 18, 1873.]

AN ACT to authorize the appointment of phonographic reporters for the circuit court of the counties of Washington and Ozaukee, in the third judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May appoint phonographic reporter.

SECTION 1. It shall be lawful for the judge of the circuit court for the third judicial circuit of this state, to appoint one more phonographic reporters for the circuit court in and for the counties of Washington and Ozaukee.

Shall be sworn officers.

SECTION 2. Said reporters shall be sworn officers of said court, and shall be skilled in the art of short hand

reporting, one of whom shall attend upon each term of said court, when requested by the judge so to do, and shall discharge such duties as the court or judge thereof shall require.

SECTION 3. The said reporters shall be allowed such daily compensation as shall be fixed by the court, not exceeding ten dollars per day for each day's actual attendance upon said court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner, as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time. Daily compensation.

SECTION 4. It shall be the duty of said reporter, upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence in which suit shall have been taken by said reporter, to make and furnish transcripts of such evidence so taken by him, or any other proceedings had in such trial to such party or his attorney, for which transcript so furnished, said reporter shall be entitled to charge and receive from the party requiring the same to be made, ten cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified and audited, and paid for in the same manner as the per diem compensation of such reporter, and in such cases, the reporter's notes shall be written out in full and filed with the clerk of the court. Shall furnish transcripts. In criminal cases.

SECTION 5. The judge of said court may, in his discretion, remove such reporters, or any one of them, and may fill any vacancy caused by such removal, or from any other cause. Reporters may be removed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved, February 15, 1878.

CHAPTER 33.

[Published February 18, 1873.]

AN ACT to amend chapter three hundred and forty-four of the general laws of 1860, entitled "an act to amend section fifteen of chapter one hundred and eighty-three of the revised statutes, entitled (*an act*) 'of offenses cognizable before justices of the peace.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section fifteen of chapter one hundred and eighty-three of the revised statutes as amended by chapter three hundred and forty-four, of the general laws of 1860, is hereby amended by inserting after the word, "lakes," in the second line of said section, the words, "bayous, backwaters and sloughs, so that said section, when so amended, shall read as follows: Section 15. It shall not be lawful for any person or persons to draw or use any seine or net in any of the inland lakes, bayous, backwaters or sloughs situated within the limits of this state, except Silver Lake, in Sheboygan county, for the purpose of taking or catching fish: *provided*, such lake, bayou, backwater or slough shall contain an area of less than twelve square miles.

Not lawful to
use nets on in-
land lakes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1873.

CHAPTER 34.

[Published February 18, 1873.]

AN ACT relating to highways and amendatory of section sixty-six, chapter one hundred and fifty-two of the general laws of 1860, entitled "an act to codify the laws of this state relating to highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section sixty-six of chapter one hundred and fifty-two of the general laws of 1860 is hereby amended so as to read as follows: Section 66. All

damages consequent upon laying out or altering any highway as finally settled upon, pursuant to the provisions of this chapter, and all lawful charges against a town for the services of any jury in the assessment of damages, or for fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner herein provided, shall be laid before the town board to be audited, and the amount allowed shall, on the order of the supervisors, be paid by the town treasurer out of any money in the town treasury, not otherwise appropriated; and if there be no unappropriated money in the town treasury from which said order or orders can be paid, it shall be the duty of the supervisors to certify the amount of the order or orders so made or issued and unpaid, to the town clerk of the town against which such indebtedness exists; and it shall be the duty of the town clerk with whom the certificate of the indebtedness, as aforesaid, shall have been filed, to assess the amount thereof, with interest thereon, from the date of such order or orders to the time when the warrant for the collection thereof will expire, upon the taxable property of said town, placing the same on the next assessment and tax roll; and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other town taxes, and shall be paid to the party or parties entitled thereto: *provided, however*, that the town clerk shall not perform the duties prescribed in this section when said indebtedness so accruing shall exceed one thousand dollars, until first authorized by the qualified electors of such town at some legal town meeting. Whenever the damages consequent upon the laying out or altering of the highways as finally settled upon pursuant to the provisions of this chapter, and all lawful charges against the town for the services of a jury in the assessment of damages, or for the fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner provided for in this chapter, shall be laid before the town board to be audited, and if the said town board shall neglect or refuse to audit the same, any person aggrieved by such neglect or refusal may commence and prosecute an action in the proper county, before any court having jurisdiction of the said town, and the sum claimed against said town, for all sums to which such person shall be entitled for or on account of such damages or fees: *provided*, said road has not been discon-

How damages
to be assessed
and collected.

If town board
refuse or neg-
lect to audit
damages, how
proceed.

tinued by an order made by the board of supervisors of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1878.

CHAPTER 35.

[Published February 21, 1878.]

AN ACT to authorize the town clerk of the town of Auburn, in the county of Fond du Lac, or his successor in office, to perfect the record of said town relating to highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May record un-
recorded papers

SECTION 1. The town clerk of the town of Auburn, in the county of Fond du Lac, or his successor in office, is hereby authorized to record all unrecorded papers on file in said office relating to public highways lawfully established by the supervisors of said town.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1878.

CHAPTER 36.

[Published February 21, 1878.]

AN ACT to empower the president and trustees of the village of Black River Falls to levy a tax for purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax.

SECTION 1. The president and trustees of the village of Black River Falls, in Jackson county, are hereby authorized and empowered to levy a tax upon the taxable property of said village, not to exceed the sum of one thousand dollars in any one year, and not exceeding ten thousand dollars in the aggregate, to be expended by them in renting, purchasing or improving grounds for the use of the Jackson County Agricultural Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication,
Approved February 19, 1873.

CHAPTER 37.

[Published February 21, 1873.]

AN ACT to amend chapter one hundred and forty of the private and local laws of 1872, entitled "an act to amend chapter four hundred and seventy-four of the private and local laws of 1866, entitled 'an act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and amend the same.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and forty of the private and local laws of 1872, entitled 'an act to amend chapter four hundred and seventy-four of the private and local laws of 1866, entitled "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same," is hereby amended by striking out of said section the following words, to wit: Section seventeen of chapter four of said act is hereby amended by adding thereto as follows: "one-half of all moneys paid into the treasury of said city, for licenses for vending and dealing in spirituous, vinous and fermented liquors, shall be paid by the city treasurer, immediately after the receipt thereof by him, to the treasurer of the Young Men's Association of the city of Janesville, to be used by such association in the purchase of books for its library."

SECTION 2. All acts or parts of acts conflicting with or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1873.

CHAPTER 38.

[Published February 21, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the state prison for the payment of current expenses, repairs and indebtedness for the year 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of forty-five thousand, seven hundred and thirty-five dollars, for the use of the state prison for the year 1873, in full for the following purposes, viz: for current expenses and repairs, twenty-five thousand dollars; for indebtedness, twenty thousand, seven hundred and thirty-five dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 19, 1873.

CHAPTER 39.

[Published February 21, 1873.]

AN ACT to legalize the action of the board of supervisors of Dunn county, of December 30th, 1870, fixing the salary of the district attorney.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalised.

SECTION 1. That the proceedings of the board of supervisors of Dunn county, of the thirtieth day of December, A. D., one thousand, eight hundred and seventy, fixing the salary of the district attorney for the term commencing the first Monday of January, A. D., 1871, at four hundred dollars per annum, be and the

same is hereby legalized and declared to be as valid for all purposes, as though the said board had fixed said salary at their annual meeting in the year 1869.

Approved February 19, 1873.

CHAPTER 40.

[Published February 26, 1873.]

AN ACT to amend chapter one hundred and thirty of the general laws of 1871, entitled "an act in relation to the collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty of the general laws of 1871 is hereby amended by inserting "one year" in place of "six months," so that the section shall read as follows: Section 1. In all cases in which the lists of lands to be advertised for sale for the non-payment of taxes, by the county treasurer of any county in this state, when the number of descriptions shall exceed four thousand, and in all cases when the list of lands to be advertised by the clerk of the board of supervisors for redemption, when the number of descriptions to be published shall exceed three thousand, it shall be the duty of such treasurer and such clerk of the board of supervisors of the several counties in which the several lists aforesaid shall exceed the number aforesaid, to let the publication of such lists to the lowest bidder, upon a notice, either written or printed, to be delivered to, and left with the publisher or publishers of each newspaper printed in the county where the lands so to be advertised shall be, at least ten days prior to the time at which such contract shall be let: *provided*, that no such publication shall be made in any newspaper, nor shall any contract be let to any publisher of any newspaper the publication of which has not been regularly and continually [continuously] made in the county in which such lands lie, at least once in each week for one week prior to the time at which such publication shall be by law required to be made; *and provided further*, that the price to be paid for the publication of such lists shall in no case exceed the amount now or which shall hereafter be

Amended.

Shall let publication of lists of lands to lowest bidder.

prescribed by law as the maximum price allowed for publishing such lists; *and provided further*, that this act shall not be held to apply in any manner to any county in this state, wherein the number of descriptions in such lists shall be less than those specified in this act.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 20, 1873.

CHAPTER 41.

[Published February 25, 1873.]

AN ACT to amend chapter two hundred and twenty-four of the private and local laws of 1871, entitled "an act to consolidate and amend the act to incorporate the city of Beaver Dam, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
mayor to have
casting vote.

SECTION 1. Section two of chapter three of chapter two hundred and twenty-four of the private and local laws of 1871, is hereby amended by adding to said section the following words: and the mayor shall have a casting vote in case of a tie on the election of an officer by the common council.

Amended—
board of review.

SECTION 2. Section seven of chapter seven of said chapter two hundred and twenty-four is hereby amended so as to read as follows: The mayor, city clerk, city treasurer and the assessors of the several wards, shall constitute a board of review. Said board shall meet annually, on the last Monday of June, at the common council room. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day, until its business is completed, and shall receive the same compensation as is allowed to township assessors. Said board of review so constituted shall have the same power, and be subject to the same restrictions as town boards of review under the laws of the state.

Amended—col-
lection of taxes
by treasurer.

SECTION 3. Section seventeen of chapter seven of said chapter two hundred and twenty-four, is hereby

amended so as to read as follows: Section 17. The city treasurer, upon receipt of such duplicate copy of the tax list, shall proceed in like manner to collect the same, and shall have the like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this chapter. The city treasurer shall receive one per cent. fees upon all taxes paid before the first day of January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and the same shall be held by him as the money of the city, and paid out and used as other money of the city in the hands of said treasurer. And the said city treasurer shall receive as his full payment and compensation for the collection of said taxes and the performance of his other duties as treasurer, the sum of five hundred dollars per year.

SECTION 4. Section three of chapter eight of said chapter two hundred and twenty-four is hereby amended so as to read as follows: Section 3. At the charter election in the spring of 1873, there shall be elected in each ward of said city, two school commissioners; said commissioners shall be voters and residents of the ward for which they are elected, and the person having the highest number of votes shall hold his office for two years, and the person having the lowest number of votes shall hold his office for one year. If the persons voted for shall receive an equal number of votes, the term of office of such commissioner shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct; and after the said election in the spring of 1873, there shall be annually elected at each charter election in each ward of said city, one school commissioner who shall hold his office for two years.

Amended—
election of
school commis-
sioners.

SECTION 5. The office of street commissioner in said city of Beaver Dam is hereby abolished, and hereafter the senior alderman of each ward shall be the street commissioner for his ward, and shall have all the power and be subject to all the duties and liabilities heretofore given and imposed upon the street commissioner, and all the provisions of the city charter in relation to the street commissioner, his rights, duties and liabilities shall apply to and be construed to mean the said senior alderman, so far as they may be applicable, and whenever the words, street commissioner shall occur in said chapter two hundred and twenty-four, the same shall read and be construed to mean, senior alderman of his

Senior alder-
men to be street
commissioners.

ward, and all repairs of streets in the respective ward shall be at the expense of said wards respectively, the expense of said wards for said repairs shall be assessed on and collected out of the property in wards respectively, and shall not be a charge upon the city generally, unless so ordered by a two-thirds' of all the members elect of the common council.

Amended—repair of sidewalks.

SECTION 6. Section seven of chapter six of chapter two hundred and twenty-four is hereby amended so as to read as follows: Section 7. Whenever the senior alderman of any ward shall deem it necessary to repair any sidewalk constructed in said city, in his ward, said senior alderman shall direct the owner or occupant of the lot or piece of ground adjoining said walk, to repair the same at his own expense, cost and charge, within such reasonable time and manner as said senior alderman shall direct. If such walk is not done in the time and manner prescribed by such senior alderman, and to his satisfaction, the said senior alderman shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk. And the common council shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired by said senior alderman, sufficient to pay the cost of the same. And neither the said city nor any ward thereof, nor officer within said city, shall be liable for any damage that may happen, by reason of any defection in any sidewalk in said city unless the senior alderman of the proper ward shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

Amended—limitation of city debt.

SECTION 7. Section three of chapter seven of said chapter two hundred and twenty-four is hereby amended by adding to said section the following words: And it shall not be allowed, neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes, to exceed the sum of fifty thousand dollars.

SECTION 8. All acts and parts of acts contravening with the provisions of this act, are hereby repealed, and this act shall be considered a public act, and shall be construed favorably in all courts and places, and shall be in force and take effect from and after its passage and publication.

Approved February 20, 1878.

31 The corporation of
and of the private and
rule of the Fond du Lac
is hereby changed to,
the Savings Bank of Fond
du Lac. This act shall
take effect after its passage
and after the date of
approval February 20, 1878.

CHAPTER

To provide for the p
witnesses in
of the state of W
family, do enact as

SECTION 1. The certif
by law, by the c
in all criminal
in the county
on presentation, s
by the county b
with the treasurer,
SECTION 2. All acts c
visions of this act
SECTION 3. This act s
and after the date of
approved February 21,

CHAPTER 42.

[Published February 21, 1873.]

AN ACT to change the name of the "Fond du Lac County Savings Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The corporation created by chapter two hundred of the private and local laws of 1867, under the title of the Fond du Lac County Savings Association, is hereby changed to, and shall hereafter be known as the Savings Bank of Fond du Lac. Name changed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1873.

CHAPTER 43.

[Published February 26, 1873.]

AN ACT to provide for the payment of certificates issued to witnesses in criminal cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The certificates issued in the manner provided by law, by the clerks of the circuit courts of this state, in all criminal actions, shall be paid by the treasurer in the county in which such certificate is issued, on presentation, and such certificates shall be accepted by the county boards of supervisors on settlement with the treasurer, as lawful vouchers. Witness certificates to be paid.

SECTION 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the date of its publication.

Approved February 21, 1873.

CHAPTER 44.

[Published February 26, 1878.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

All patents to be *prima facie* evidence.

SECTION 1. All patents of land heretofore issued by the territory or state of Wisconsin, or by the proper officers of such territory or state, or which may hereafter be issued by the state of Wisconsin or by its proper officer, shall be *prima facie* evidence in all courts and places that the grantees therein named had lawful title in fee to the land therein described, at the date thereof; and such patents shall be *prima facie* evidence of all the facts therein recited: *provided*, this act shall not be construed to prevent said grantees from proving title to said land by purchase from said territory or state prior to the date of such patents.

May be recorded.

SECTION 2. All patents of land heretofore issued by the territory or state of Wisconsin, or by the proper officers of such territory or state or by the United States or its proper officers, or which shall hereafter be issued by said state of Wisconsin or its proper officers, or by the United States or its proper officers, may be recorded in the office of register of deeds of any county wherein any part of the lands in such patents described is situated, and the record of all such patents which may be hereafter recorded, or which have been heretofore recorded in the office of the register of deeds of the county wherein the lands therein described or any portion thereof, are situated, or the copy of such records duly certified by said register, may be read in evidence in any court within this state without further proof thereof, but the effect of such evidence may be rebutted by other competent testimony.

Secretary of state may certify.

SECTION 3. The secretary of state may certify to any facts which appear from the books, files and records in his office in regard to the grant, conveyance or transfer of any lands by the United States to the territory or state of Wisconsin, and also in regard to the sale, conveyance or transfer of any such lands by said territory or state to individuals or corporations, and his certificate of such facts shall be *prima facie* evidence of the facts so certified by him.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

CHAPTER 45.

[Published February 26, 1878.]

AN ACT to amend sections nine and ten of chapter five hundred and thirty-seven of the general laws of 1865, entitled "an act to dispose of the swamp and overflowed lands, and the proceeds therefrom."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of chapter five hundred ^{Amended.} and thirty-seven of the general laws of 1865 is hereby amended by striking out the word, "June," in the second line of said section, and inserting in lieu thereof the word, "July."

SECTION 2. Section ten of said chapter is hereby ^{Idid.} amended by striking out the word, "June," in the seventh line of said section, and inserting in lieu thereof the word, "July."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1878.

CHAPTER 46.

[Published February 26, 1878.]

AN ACT to amend section eighty-three of chapter one hundred and eighty-eight of the general laws of 1872, entitled "an act to provide for the incorporation of villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighty-three of chapter one ^{Amended.} hundred and eighty-eight of the general laws of 1872 is hereby amended by adding thereto the following

Collection of
judgments
against disor-
ganized villa-
ges.

proviso: "*and provided further*, that if any village heretofore organized shall have, heretofore, or shall hereafter, abandon said organization, while a judgment unsatisfied shall exist in favor of any party against said village, it shall be lawful for the party in whose favor said judgment is rendered, or the lawful owner of the same, to file a certified copy of such judgment with the town clerk of the town in which said village was located, together with an affidavit that the same has not been paid, reversed nor appealed from, whereupon it shall be the duty of the town clerk of said town to apportion the amount of said judgment and interest thereon upon the taxable property in the territory included in the bounds of the said disorganized village, as shown by the tax roll of said town, and shall place the same in the next tax roll of said town in a separate column, to be collected as other town taxes are collected, and paid over to the party owning said judgment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 47.

[*Published February 26, 1873.*]

AN ACT to authorize the treasurers of the counties of Door, Polk, Shawano and other counties to settle with the several town treasurers of their respective counties, for their portion of the money withheld by the state treasurer from any of said counties under the operation of chapter one hundred and fifty-eight of the general laws of 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May settle with
town treas-
urers.

SECTION 1. The county treasurers of the counties of Door, Polk, Shawano and other counties, are hereby authorized and required to settle with the town treasurers of the several towns in their respective counties and to pay over to said town treasurer or treasurers any moneys that shall be found due said town or towns, and which has been or hereafter may be withheld by the state treasurer for the payment of any state tax under the provisions of chapter one hundred and fifty-eight of the general laws of 1872.

SECTION 2. In case of failure of any county treasurer to carry out the provisions of section one of this act, the several town treasurers are hereby authorized and empowered to retain out of any moneys in their hands, other than state or school moneys, a sum equal to the amount so withheld from said town or towns, under the operation of said chapter one hundred and fifty-eight of the general laws of 1872.

Town treasurer
may retain
moneys.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 48.

[Published February 26, 1873.]

AN ACT to amend section sixteen of chapter seven of the revised statutes, entitled of general and special elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen of chapter seven of the revised statutes of this state, entitled of elections other than for town officers, is hereby amended so as to read as follows: "Section 16. The sheriff, on receiving either of the notices directed in this chapter to be sent to him, shall forthwith cause a notice in writing to be delivered to the town clerk of each town, and to one of the inspectors of election in each ward in any city of his county; or if the vacancy be in an assembly or senate district within his county, then such notice shall be delivered to such officers in each ward or town in such district; which notice shall contain in substance the notices so received by such sheriff; and he shall also cause a copy of each such notice to be published in a paper printed in his county once in each week, from the date of such notice, until the election to which it shall refer, if there be a paper printed and published in his county; and if there be no paper printed in his county, he shall cause the same to be published in a paper printed in an adjoining county."

Amended—how
sheriff to give
notice of elec-
tion.

SECTION 2. All acts, so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved February 21, 1873.

CHAPTER 49.

[Published February 26, 1878.]

AN ACT to amend chapter four hundred and nineteen of the general laws of 1864, entitled "an act to prevent the establishment of cemeteries and burial grounds within the limits of cities and villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
regulating
establishment
of cemeteris.

SECTION 1. Chapter four hundred and nineteen of the general laws of 1864 is hereby amended by inserting immediately after the word, "erected," and before the word, "and," in the 12th line thereof, a clause as follows, viz: "or to lay out or establish any such cemetery or burial grounds outside the limits of the recorded plat of any such city or village, or addition thereto, and within two hundred rods of any inhabited dwelling standing on any lot or block in such city, village or addition, without first obtaining the consent of the municipal authorities of such city or village thereto."

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1878.

CHAPTER 50.

[Published February 23, 1878.]

AN ACT to extend the use of the state library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall lend
books.

SECTION 1. It shall be the duty of the state librarian to lend for use in the courts of the United States sitting at the capital, any book or books in the state library, upon the written request of the judge of the district court of the United States for the western district of Wisconsin, such judges assuming the safe return to the library of any such book or books so loaned.

Approved February 21, 1878.

CHAPTER 51.

[Published February 26, 1873.]

AN ACT to amend chapter two hundred and ninety-two of the private and local laws of 1869, entitled "an act for the preservation of fish in the waters of the lakes, ponds and streams in Waukesha county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and ninety-two of the private and local laws of 1869, entitled "an act for the preservation of fish in the lakes, ponds and streams in Waukesha county," is hereby amended so as to read as follows: No person or persons shall take or catch any fish, except mullet, suckers, bill fish and dog fish, by means of spear, net or any other device or contrivance, other than the ordinary hook and line, from the waters of any of the lakes, ponds or streams in the county of Waukesha. ^{Amended.} ^{Not to fish with spear or net.}

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 52.

[Published February 26, 1873.]

AN ACT to legalize the publication of the unredeemed lots and tracts of land in the village of Alma, of the sale of 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The publication of the unredeemed lots and tracts of land, of the sale of the year 1871, made by the treasurer of the village of Alma, in the county of Buffalo, is hereby legalized and declared as valid for all purposes, as though the same had been made strictly according to the statute regulating such publication: *provided*, that no deeds shall be issued upon the lots and tracts of said sale of the year 1871, before the expiration of three months next after the first publication of the list of said unredeemed lots and tracts. ^{Legalized.}

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved February 21, 1873.

CHAPTER 53.

[Published February 21, 1873.]

AN ACT relating to and amendatory of chapter sixty-two of the private and local laws of the state of Wisconsin for the year 1873, entitled an act to detach certain territory from the towns of Eaton and Greenfield, Monroe county, and attach the same to Lincoln and La Fayette, and providing for the payment of the indebtedness of the town of Eaton, mentioned in said chapter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. That chapter sixty-two of the private and local laws of the state of Wisconsin for the year 1872, entitled an act to detach certain territory from the towns of Eaton and Greenfield, Monroe county, and attach the same to Lincoln and La Fayette, be amended by adding thereto another section numbered five, which shall read as follows, to-wit:

Shall deliver
assessment roll
and books, to
county clerk.

SECTION 2. That the chairman of the board of supervisors of the said town of Eaton shall, on or before the first day of June, 1873, deliver to the county clerk of Monroe county, the last assessment roll, and the books and papers or other evidence showing the indebtedness of said town, which said clerk shall, at the time he makes the apportionment of the state tax, county tax and school tax for the year 1873, make an apportionment of the indebtedness of said town of Eaton, according to the valuation as shown by the last assessment roll of the different territories attached to the towns of Lincoln and La Fayette, as an additional tax against the town of Lincoln, Monroe county, and the territory attached to the town of La Fayette, Monroe county, and now known as the town of New Lyme, in said county, and set the same in a separate column in his certificate to the town clerks of said towns; and the town clerk of the town of New Lyme shall include the tax so certified against the town of New Lyme in the total tax to be collected for the year 1873; and the town clerk of the town of Lincoln shall calculate and carry the tax so certified against the town of Lincoln

on to the assessment roll for 1873, against the territory attached to the town of Lincoln by said chapter sixty-two; and the towns of New Lyme and Lincoln shall pay the claims of all persons against the town of Eaton, residing in that portion of territory attached to each town respectively, as soon as said tax shall be collected: *provided*, if either town have a balance in its treasury, after paying all claims herein mentioned, it shall turn the amount over to the other town having claims unpaid, which balance shall be used in paying said claims. shall pay all claims.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1873.

CHAPTER 54

[Published February 27, 1873.]

AN ACT to amend section one of chapter one hundred and thirty-six of the private and local laws of 1872, entitled an act to lay out a state road from the village of Ashland, in Ashland county, through Ashland, Chippewa and Eau Claire counties, to the village of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section one of chapter one hundred and thirty-six of the private and local laws of 1872, entitled an act to lay out a state road from the village of Ashland, in Ashland county, through Ashland, Chippewa and Eau Claire counties, to the village of Eau Claire, be and the same is hereby amended so as to read as follows: Section 1. Judson N. Smith, James A. Wilson and Darius Bresee of the counties aforesaid, are hereby appointed commissioners to lay out a state road, commencing at the village of Ashland, Ashland county, running thence southwestwardly on the most feasible and practicable route to or near to the mouth of the Flambeau river, in township thirty-three north, of range seven west; thence to the village of Vanville, in the town of Bloomer, Chippewa county, and from Vanville to the city of Eau Claire, in the county of Eau Claire. Amended. Appointed commissioners.

SECTION 2. That any of the provisions of the act to

which this is amendatory thereto, conflicting with or in any manner contravening the provisions of this act, be and the same hereby are repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved February 24, 1873.

CHAPTER 55.

[Published February 25, 1873.]

AN ACT to amend chapter one hundred and fifty-six of the general laws of 1872, entitled "an act to authorize the taking of lands for the use of charitable, educational and correctional institutions of this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

May apply for
order restraining
injury to
timbered lands.

Number of
section
changed.

SECTION 1. Chapter one hundred and fifty-six of the general laws of 1872, entitled "an act to authorize the taking of lands for the use of charitable, educational and correctional institutions of this state," is hereby amended by adding after section six of said chapter the following, which shall be numbered section seven of said chapter: Section 7. Upon the making of the application mentioned in section two of the act to which this act is amendatory, the said board of regents, board of managers or state prison commissioners, as the case may be, may also apply to the judge of the circuit court or county judge of the proper county, for an order restraining the owners of the lands required, from cutting or injuring any of the timber or wood growing thereon, during the pendency of said proceedings, and it shall be lawful for such judge to grant such injunctive order, if it be made to appear that the destruction of said wood or timber will seriously impair the value of said land for the uses for which it is required.

SECTION 2. Section seven of the act to which this act is amendatory shall be and is hereby numbered section eight.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1873.

CHAPTER 56.

[Published February 28, 1873.]

AN ACT to amend section sixteen of chapter one hundred and fifty-five of the general laws of 1868, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen of chapter one hundred and fifty-five of the general laws of 1868 is hereby amended so as to read as follows: Section 16. When-
 ever any school district shall, for two successive years, neglect to maintain a public school as required by law, it shall be the duty of the supervisors of the town containing the district, within thirty days from the expiration of the two years aforesaid, to attach said district to such other adjoining district or districts in the town as they shall judge proper; and if the district be a joint district, then the supervisors of the several towns embracing parts thereof shall, within the said thirty days, dissolve such joint district, and immediately proceed to attach the respective parts thereof to other districts in their respective towns, as hereinbefore provided. And whenever any district shall become extinguished by reason of the attachment of all its territory to some other district or districts, the supervisors of the town or towns embracing such district shall take charge of the property belonging to the same, at the time of its extinguishment, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder, if any, to the treasurer of the district to which the territory has been attached, in proportion to the valuation of the property attached to each, as appears from the last assessment roll of the town or towns.

Amended.

If district fail to maintain school, shall be annexed to adjoining district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 57.

[Published February 28, 1873.]

AN ACT relating to the foreclosure of mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If referee fail to
make report of
sale, plaintiff
may do so.

SECTION 1. Whenever in an action for the foreclosure of a mortgage upon real estate, a referee shall have been appointed by the court for the purpose of making sale of the mortgaged premises, and such sale shall have been held by said referee, and a certificate of sale or deed shall have been executed to the purchaser thereof, if the referee making such sale shall die without making a report of such sale, said report of sale may be made by the plaintiff, his agent or attorney under oath, and upon filing said report of sale duly verified, the court shall make an order confirming such sale and report in the same manner and with the same effect as if said report of sale had been made by said referee who made the sale.

If he fail to
make deed,
court may ap-
point another
referee.

SECTION 2. Whenever in such an action a certificate of sale shall have been issued by a referee, and if said referee shall die or leave the state or otherwise become incapacitated before the purchaser shall become entitled to a deed of the mortgaged premises so sold, or before the deed shall have been executed, the court, on proof that said referee has died or left the state, or has become incapacitated as aforesaid, shall appoint another referee, successor to the referee named in the judgment, who shall be authorized to execute and deliver to the purchaser of the said mortgaged premises, a deed of the same in accordance with the certificate of sale issued by his predecessor, and said deed so executed and delivered shall be as valid and effectual as if the same had been so executed and delivered by the referee named in the judgment and in the certificate of sale.

Application.

SECTION 3. This act shall apply to all such actions heretofore brought or hereafter commenced.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1873.

CHAPTER 58.

[Published February 28, 1873.]

AN ACT to appropriate to the Northern Hospital for the Insane, a sum of money for the purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, for the use of the Northern Hospital for the Insane, the sum of nineteen thousand dollars in full for the following purposes, viz: for water supply, ten thousand dollars; for ice house, slaughter house and store room for fresh meats, one thousand dollars; for furniture, bedding, table ware, etc., not provided for, four thousand five hundred dollars; vegetable cellar, one thousand dollars; fire apparatus, hose, buckets, etc., one thousand, five hundred dollars; medicines, surgical instruments and blank books, one thousand dollars. Appropriated.

SECTION 2. The expenditures of the appropriation herein provided for shall be under the direction and control of the trustees of the Northern Hospital for the Insane, and shall be drawn from the state treasury upon the order of the said board of trustees. Shall be under control of trustees.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 26, 1873.

CHAPTER 59.

[Published March 4, 1878.]

AN ACT to revise the charter of the city of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City bound-
aries.

SECTION 1. All that district of country situated in the county of Crawford, state of Wisconsin, and embraced in the following boundaries, to wit: Commencing at the northeast corner of farm lot number twenty-five of the private land claims at Prairie du Chien, running thence westerly on the north line of said farm lot to its intersection with the south line of Frederick street, as laid down on the Union plot of Prairie du Chien aforesaid; thence westerly on the south line of said street and the course of said south line to the east channel of the Mississippi river, thence southerly along the center of the east channel of the said Mississippi river, to a point that would intersect LaPointe street, if the same were continued to said east channel, thence easterly on the line of the centre of said LaPointe street to Sixteenth street, thence northerly on said Sixteenth street to Lessard street, thence easterly on said Lessard street to the east line of farm lot thirty-nine, thence northerly on the east line of farm lots to the place of beginning, shall be known and designated as the city of Prairie du Chien, and by that name shall be capable of contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

Ward bound-
aries.

SECTION 2. The said city shall be divided into four wards, called first, second, third and fourth, limited and bounded as follows: All that portion of said city lying south of the south line of farm lot thirty-four of the private land claims of Prairie du Chien, with said line extended to the east channel of the Mississippi river,

shall constitute the first ward ; and all that portion of said city north of said north boundary of ward number one and east of the Marais de St. Feriole and south of the center of Bluff street, shall constitute the second ward ; and all that portion of said city lying north of the north line of said ward number two and east of said Marais de St. Feriole, shall constitute the third ward ; and all of that portion of said city lying west of the center of said Marais de St. Feriole, shall constitute the fourth ward.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act. Common council.

CHAPTER II.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given of the time and places of holding such election, and of the officers to be elected, by publication in the official city paper. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers. Said elections shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Prairie du Chien, the other to the clerk of the board of Election of city and ward officers.

Inspectors of election.

Clerks.

Board of canvassers.	supervisors of the county of Crawford. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices.
Elective officers.	SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor, all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace and one constable, who shall be residents within and qualified voters of the ward for which they may be elected. The terms of office shall commence on the first Monday of May next after their election. Each of said officers shall continue in office for his respective term, as herein provided, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.
Term of office.	
Day of election and officers to be elected.	All other officers necessary for the management of the affairs of said city shall be appointed by the common council. On the first Tuesday in April in each year, the qualified voters of said city shall elect one mayor, one treasurer and one assessor, who shall hold their respective offices for one year, and on the same day and at the same places of holding said election, the said qualified electors of each ward shall elect two aldermen and one constable. The senior alderman and justices of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected, and there shall be elected annually on the first Tuesday in April one alderman in each ward, who shall hold his office for two years, and one alderman who shall hold his office for one year. The ballot shall designate who shall be the alderman for two years, and one constable in each ward for one year. And on the first Tuesday in April, 1874, and every two years thereafter, there shall be elected one justice of the peace in each ward.
Vacancy, how filled.	SECTION 3. In the event of a vacancy in the office of mayor, aldermen or justices of the peace, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected

to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 4. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the officers written or printed thereon, and a plurality of votes shall constitute an election; all elections of the common council may, at their option, be *viva voce*; when two or more candidates for an elective office by the people shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Election to be
by ballot.

SECTION 5. All persons entitled to vote for state or county officers, and who shall have resided in the city thirty days preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this charter, and to hold any office hereby created.

Who are voters.

SECTION 6. If either of the inspectors of election or alderman shall suspect that any person offering to vote, does not possess the necessary qualifications of an elector, the inspectors or alderman, before receiving any such vote, shall, in addition to the oath required by law in reference to elections, require the voter offering to make oath that he has resided in the ward where he offers to vote, ten days next preceding the election, and in the city thirty days next preceding the election; and if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or presentment by information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their vote; and if any inspector or alderman shall knowingly and corruptly receive the

Additional
oath.

Penalty for
illegal voting.

Shall keep list
of challenged
voters.

vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk so acting shall be liable to indictment or presentment by information thereof, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

When offices deemed vacant.

SECTION 8. Any officer removing from the city or ward for which he was elected, or any officer elected at the annual election, who shall neglect or refuse to qualify, on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy, who shall neglect or refuse for ten days after notice of his election to qualify, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

CHAPTER III

OFFICERS—THEIR POWERS AND DUTIES.

Shall take oath and give bond.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to said city a bond, with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and

shall take care that the laws of the state and ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint no police force without the direction of the common council, by order, and only such number as the common council shall so direct; any police officer or watchman so appointed may be discharged by the mayor whenever, in his opinion, the welfare of the city may demand it. In case of riot or other disturbance, the mayor may appoint as many special constables as he may deem necessary. The mayor shall communicate in writing to the common council once a year, such information as he may deem necessary, and at all times give such information as the common council may require. He shall vote in the common council only in case of a tie vote.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Election of
president and
his duties.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him, under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders

Duties of the
clerk.

drawn on the city treasurer, in a book provided for purpose, and shall also keep an accurate account the treasurer, and charge him with all the tax list delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgements of deeds and other instruments, and shall receive a salary which shall be fixed by the common council at their first meeting in each year, to be paid out of the city treasury.

Duties of the treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city laws of this state. All moneys raised, received, covered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council, and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which books shall, at all reasonable times, be opened to the inspection of any person. He shall, every three months, and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services, receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and be governed by the same laws as treasurers of towns: *provided*, that he shall receive no other fees, except the compensation hereinafter provided.

Duties and jurisdiction of justices of the peace.

SECTION 6. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements

...a majority of the...
...by virtue of this...
...power and duty...
...as constables...
...justice shall...
...the peace elected in...
...after the election...
...power at any time to an...
...appoint one of the other...
...justice. The justices...
...where they are...
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...and the justice so appo...

shall be approved by a majority of the common council ; all constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

SECTION 7. A police justice shall be designated and appointed by the common council from one of the four justices of the peace elected in said city, at their first annual meeting after the election of officers, and shall have the power at any time to annul such appointment, and to appoint one of the other justices of said city a police justice. The justices shall hold their offices in the ward where they are elected, except the police justice. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction of the circuit court. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other ; but the city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council or mayor. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the city marshal of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, but in all cases of complaint, suits or actions brought or commenced before such justice after his appointment, and before action thereon by the council, the same shall not abate by reason of his non-confirmation by the council, but such complaints, suits or actions shall proceed to final judgment before such justice, and the justice so appointed shall, for the time

May appoint
police justice;
his duties and
jurisdiction.

His compensa-
tion.

May appoint
substitute.

being, possess all authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Shall make
quarterly
report.

SECTION 8. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable to pay any cost for violation of any law of this state.

The marshal—
his powers and
duties.

SECTION 9. A marshal shall be appointed by the council. He shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and retain all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time, bring such persons before competent authority for examination and trial; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

May require
other and
further duties.

SECTION 10. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by them. The compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

SECTION 11. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

City surveyor—
his duties and
compensation.

SECTION 12. It shall be the duty of the council to elect a street commissioner for the whole city, who shall render his personal service, and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the city under the direction of the common council, and to carry into effect all orders of the common council in relation thereto, and to perform such other duties as may be herein prescribed to be performed by street commissioner, or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding two dollars per day for the time actually engaged in the discharge of his duties; and shall keep accurate account of all expenditures incurred in the discharge of his duties, and render quarterly accounts thereof to the common council, or oftener if required.

Shall elect
street com-
missioner—his
duties and com-
pensation.

SECTION 13. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Prairie du Chien, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publisher should fail to bid. All ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavit of the length of time said ordinance, by-law or proceeding had been published, and such affidavits shall be

Printing to be
let to lowest
bidder.

Publication of
ordinances, &c.

conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Shall hand over
books, etc., to
successor.

SECTION 14. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and all effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Who are peace
officers,—their
duties.

SECTION 15. The mayor, sheriff of Crawford county, each and every alderman, justice of the peace and marshal, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

The common
council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Prairie du Chien, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Their meeting
rules, etc.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by

fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members may expel any member for cause.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws:

General and special powers.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses and theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that no license shall be granted for a less time than one year; and *provided further*, that no person thus licensed shall sell or give away any spirituous, fermented or vinous liquors on election days.

Licenses.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Gaming.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly

Riots, etc.

- houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purposes of gaming.
- Nauseous places.** 4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.
- Slaughter houses and markets.** 5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same when the offal or filth therefrom shall discharge into the waters adjoining or in said city, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.
- Incumbering streets.** 6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.
- Immoderate driving.** 7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.
- Running at large of cattle.** 8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.
- Of dogs.** 9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.
- Putrid carcasses.** 10th. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.
- Board of health and cemetery.** 11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.
- Weight of bread.** 12th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

13th. To prevent all persons riding or driving any horse, mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks. Driving on sidewalks.

14th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting off firearms.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restraining drunkards.

16th. To restrain and regulate runners and solicitors for boats, vessels, cars, public houses and other establishments. Runners, etc.

17th. To make rules and ordinances for the government and regulation of the police of the city. Rules for police court.

18th. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing hay, etc.

19th. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances, the common council shall by order direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner or occupant. Removal of snow, etc. from sidewalks.

20th. To make such regulations and provisions for the support of paupers which the city shall be required by law to support, as they may deem expedient, and may charge the county of Crawford with the expenses of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor; but this provision shall not in any manner prevent the proper authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers. Support of the poor.

21st. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the Contagious diseases.

health of the city, and to adopt such other measures at the expense of the city to prevent the spread of contagious diseases as they may deem proper.

Public
auctions.

22d. To regulate the time, place and manner of holding public auctions and vendues, and to license the same.

Standard of
weights and
measures.

23d. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

Jurisdiction
over waters.

24th. The common council shall have jurisdiction over the entire waters bordering on the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Shrubbery.

25th. To regulate the setting out of ornamental trees in the streets.

How appropri-
ations to be
made.

SECTION 4. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions, or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objections thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council; eight aldermen voting in the affirmative shall have power to re-pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in said city before the same shall be in force; and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit.

Mayor's veto.

Publication
and recording
of ordinances.

shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances. Abatement of nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, and all other officers and agents of the city, entitled to the same, at such time as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, and shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments. Examination of accounts.

CHAPTER V.

OPENING OF STREETS, HIGHWAYS AND ALLEYS, AND OF ALTERING AND VACATING THE SAME.

SECTION 1. The common council of the city of Prairie du Chien shall, by virtue of their office, be the commissioners of highways, streets and alleys therein, and shall have the care and superintendence of the same, and there is hereby conferred upon the said council the same power in the same manner and under the restrictions as is now conferred upon the town Ex officio street commissioners.

board of supervisors of the several towns in this state as provided for in the revised statutes of the state, chapter 19, and the amendatory acts thereto in the general statutes of Wisconsin, to open lay out and establish upon actual survey, such new streets, highways and alleys as the said common council may deem necessary and proper, and to alter, discontinue and vacate such streets or alleys as said common council may deem proper.

CHAPTER VI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Changing of
grades.

SECTION 1. Upon application in writing of the resident owners of two-thirds of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Action for
damages.

SECTION 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Highway and
poll tax.

SECTION 3. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll tax; which poll tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes.

Duty of senior
aldermen in re-
lation to streets

SECTION 4. It shall be the duty of the senior alderman in office of each ward to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within their respective wards are duly observed and kept, and direct and control the persons employed therein. The aldermen in each ward shall have a general supervision over

all work let by contract for the improvement of streets or sidewalks in their respective wards, unless the common council shall otherwise provide.

SECTION 5. Upon a petition to the common council of two-thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter not less than a block in lineal frontage shall by the common council be ordered to be constructed upon the proper established grades of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed at the expense of the owner or owners. The contract for the construction of any sidewalk or gutter shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days prior to the time, of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk or gutter shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk or gutter by the publication of the same.

Construction
of sidewalks.

Levy of special
tax.

SECTION 6. The proceedings for ordering the repair of sidewalks and gutters, and collecting special taxes on the respective lots to pay for the same shall be the same as herein provided, as in the case of constructing a new sidewalk or gutter. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which in the opinion of the senior alderman of the ward or street commissioner will not cost to exceed the amount of five dollars in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed, he shall make out an itemized bill of the cost of such re-

Repair of
sidewalks, etc.

pair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Prairie du Chien, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece, or parcel of land does not reside in the city of Prairie du Chien, the said senior alderman or street commissioner shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same.

CHAPTER VII.

FINANCE AND TAXATION.

How funds to be drawn from treasury.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Contracting debt—how authorized.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Fines and license moneys to be paid in to general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Taxation—duties of assessors.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of

the state, shall be subject to annual taxation, for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

SECTION 5. The fiscal year of the city of Prairie du Chien shall commence on the first day of September, on which day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year; all resolutions for the purpose of levying a tax shall require for their passage, an affirmative vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Fiscal year and determination of amount of taxes.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

All taxes to be a lien upon land.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Crawford, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

City clerk to send copy to county clerk.

SECTION 8. The board of supervisors shall have the

City regarded as town.

right to regard the city of Prairie du Chien as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law.

Not to regard
ward divisions,
in levy of tax.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Making out
assessment roll

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes.

Tax list to be
evidence.

SECTION 11. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Shall make du-
plicate copy.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, de-

liver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, and disbursed by him, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

Treasurer to collect tax.

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Crawford county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurer; and all the provisions of sections eighty-one to eighty-seven inclusive of chapter eighteen of revised statutes as modified by acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax, of whatever year, due to said city.

Return of city tax list.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Prairie du Chien, at the same time and in the same manner as other delinquent lands are sold in said county.

Delinquent lands to be sold

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes as other real estate under this act.

Subject to special taxes.

SECTION 17. All lands lying within the city limits not divided and laid out into lots, or lots and blocks, and all out lots not subdivided and numbered by such subdivision, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes, except for the purchase of fire engines, cemetery grounds and public squares.

Assessment of farming lands.

SECTION 18. No error or informality in the proceedings of any of the officers in assessing property, levying

Errors not to vitiate levy.

or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

Special taxes for public improvements.

SECTION 19. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people, and approved by them. Whenever the council shall recommend such a tax, they shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon to be published in the same manner as in the case of the annual city election.

City orders to be promptly paid.

SECTION 20. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of funds to meet any deficiency in the treasury.

Treasurer to report deficiency in treasury.

SECTION 21. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

CHAPTER VIII

May authorize fire companies, etc.

SECTION 1. The common council shall have power to authorize the formation of hook and ladder and hose companies and fire companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up.

CHAPTER IX

May change boundaries of school districts.

SECTION 1. The common council shall have the power to change the boundaries of school districts situated within the limits of the city of Prairie du Chien;

to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do; and whenever any territory lying within the limits of the city of Prairie du Chien forms part of a school district, with territory outside of the limits of the city of Prairie du Chien, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Prairie du Chien to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All and any laws of the state in reference to the alteration or formation of school districts in conflict with the provisions of this chapter are hereby repealed, so far as they may be applicable to defeat the provisions of this chapter.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. All work to be let by contract.

SECTION 2. All actions brought to recover any property or forfeiture under this act, or the ordinances, by laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions may be commenced by summons or by a warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as such justice can reasonably hear and dispose of such offender. Prosecutions for fire, etc.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases ex-contractu, shall require the Issuing of executions.

defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Crawford county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council or otherwise, according to law.

Not to work incompetency.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, on any proceeding or action in which the city shall be a party in interest.

Failure of election not to dissolve corporation.

SECTION 5. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process to be served upon city.

SECTION 6. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, to take such other proceedings as the ordinances and resolutions of said council may provide.

May lease or hold real estate.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Not repealed by general laws.

SECTION 8. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Representation in county boards.

SECTION 9. The city of Prairie du Chien shall be represented in the board of supervisors of the county of Crawford, by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his respective ward. The alderman acting as supervisor shall have power to substitute any other alderman in his ward to act in his stead.

Malfeasance in office and its penalty.

SECTION 10. Every member of the common council of the city of Prairie du Chien, who shall directly or indirectly vote to himself, or knowingly to any other

person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by information or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court; and any contract made in violation of the provisions of this section shall be void.

SECTION 11. The paupers of said city shall be cared for in such manner as shall be provided by the common council of said city. Provisions for paupers.

SECTION 12. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with bonds, as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been re- The issuing of

voked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

County jail to
be used by city.

SECTION 13. The use of the jail of Crawford county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but the said county shall not incur or pay any liability or expense on account of any person committed to said jail, for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Private prop-
erty not liable
for public
debts.

SECTION 14. No real or personal property of any inhabitant of said city or town, individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

How judg-
ments against
city officers
collected.

SECTION 15. When a judgment shall be recovered against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

Aldermen not
eligible to other
city offices—
orders not to be
discounted.

SECTION 16. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

May grant
pardons.

SECTION 17. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall commu-

minate any such action to the council at its next meeting, with his reasons therefor. .

SECTION 18. The common council shall have power to appropriate a sum not exceeding five hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council.

Appropriation
to repair
bridges.

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Public act.

SECTION 20. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue in or pursuance of the said acts, or any former act incorporating said city, or any of them, but the same shall exist, and be enforced and carried out, and be completed as fully and effectually to all intents and purposes as if this act had not been passed.

Not to affect
contracts, etc.

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 60.

[Published February 28, 1873.]

AN ACT to facilitate the collection of money owing from school districts to the trust funds of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In addition to the statements now required by law of a school district applying for a loan from any or the trust funds of this state, there shall be furnished, if the application be from a joint district, a statement showing the assessed valuation of such district in its several parts, so that the valuation of so much of it as lies in any town of which it is a part may be readily known. And such statement, together with the statement in aggregate now required by law, shall be

How joint districts to make application for loan of trust funds.

taken as the true valuation by the secretary of state, until an amended statement is made.

Secretary of
state to furnish
statements.

SECTION 2. The secretary of state shall, in every year, furnish to the county clerk of each county in this state, in which lies any school district or part of district which has effected a loan from any of the trust funds, the amount which will be due from such district at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk on receiving such statement, to include the amount due from such district in his apportionment of state taxes to the town, but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge such amount on his tax roll, to the district upon which it belongs, and the tax shall be collected by the town treasurer, and paid with the state tax to the county treasurer who shall pay it to the state treasurer with the state taxes. And similarly in the case of joint districts, the amount due from such part of the district as lies in any town shall be collected in the same manner as above provided in cases where the district lies wholly in one town.

Town clerk to
charge amount
to proper dis-
tricts.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 61.

[Published February 28, 1873.]

AN ACT to amend section one of chapter forty-three of the general laws of 1872, entitled "an act requiring county treasurers to make an annual statement of moneys paid to town treasurers, and for other purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter forty-three of the general laws of 1872, entitled "an act requiring county treasurers to make an annual statement of moneys paid to town treasurers, and for other purposes," is hereby amended by striking out the words, "when so instructed

to do by a standing resolution of the county board of supervisors of any such county," in the second, third and fourth lines of said section, and by striking out the word, "treasurer," in the sixth line of said section, and inserting in lieu thereof the word, "clerks," so that the section as amended will read as follows: Section 1. It shall be the duty of the county treasurer of every county of this state to make annually, on the third Monday in March in each year, and forward to the town, village and city clerks, a certified statement showing the amount of money paid from the county treasury during the year next preceding, to the treasurer of such town, which statement shall specify the date of each payment, the amount of such payment, and the account upon which such payment is made.

Shall make and forward annual statements.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved February 26, 1878.

CHAPTER 62.

AN ACT to amend an act entitled "an act to incorporate the Wisconsin Odd Fellows Mutual Life Insurance Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section five of the act to incorporate the Wisconsin Odd Fellows Mutual Life Insurance Company, approved February 18, 1869, be and the same is hereby amended, by striking out, after the word, "designate," in the second line, the words, "on the third Tuesday in the month of December, in each year," and insert in lieu thereof the words, "and at such time in each year as they shall determine by resolution or by-law."

Amended.

SECTION 2. There shall be added to said act the following, to stand as section eleven: The present board of directors shall provide, at their next meeting, for the annual termination of the office of three of their members as directors, and for the annual election of three directors to be chosen from among and by the members of the company, under such restrictions, rules, regulations and by-laws as the said board shall deter-

Annual election of directors.

mine and adopt, and all parts of
with this act are hereby repealed.

SECTION 3. This act shall take
from and after its passage.

Approved February 26, 1873.

CHAPTER 63

[Published]

AN ACT to repeal chapter thirty-six of
laws of 1870, relative to the protection
Fox Lake, in the town of Fox Lake, in
and state of Wisconsin.

*The people of the state of Wisconsin,
and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter thirty-six
local laws of 1870 is hereby repealed.

SECTION 2. This act shall take
from and after its passage.

Approved February 26, 1873.

CHAPTER 64

[Published]

AN ACT to amend sections thirteen and
hundred and thirty-seven of the general
laws, "an act to dispose of the swamp
and the proceeds therefrom."

*The people of the state of Wisconsin,
and assembly, do enact as follows:*

Amended—
county treasurer
shall execute
bond.

SECTION 1. Section thirteen of
and thirty-seven of the general laws
amended so as to read as follows:
"The county treasurer receiving a sum of more than
one hundred dollars, before receiving the moneys
from him in the next preceding section of this act,
part thereof, shall execute to the
county board of supervisors of the county
with two or more sureties, to be
chairman by endorsement over his

said bond, in a penal sum of not less than double the amount of such money as shall come into his hands for disbursement to the respective towns in his county by reason of this act, conditioned for the faithful disbursement of all such moneys in such manner as shall be prescribed by this act, which bond shall be delivered to the clerk of the county board of supervisors of said county, to be filed in his office.

SECTION 2. Section fourteen of said chapter is hereby amended to read as follows: It shall be the duty of the county treasurers respectively, immediately upon receipt of the drainage moneys belonging to their respective counties, to give notice in writing to the treasurer of each town in such county, of the amount of money received by such county treasurer, apportioned to such town. Each town treasurer, when the sum exceeds two hundred dollars, before receiving the drainage moneys, or any part thereof belonging to the town of which he is treasurer, shall execute to the chairman of the town board of supervisors of such town, a bond, with two or more sureties to be approved by said chairman by endorsement over his official signature on said bond, in a penal sum of not less than double the amount of such moneys as shall come into his hands by reason of this act, conditioned for the faithful application and disbursement of all such moneys, in such manner as shall be prescribed by this act, which said bond he shall deliver to the town clerk of said town, to be filed in his office.

Amended—town
treasurer shall
execute bond.

SECTION 3. This act shall take effect from and after its passage.

Approved February 26, 1873.

CHAPTER 65.

[Published February 28, 1873.]

AN ACT to increase the salaries of circuit judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In lieu of the salary now provided by law, judges of the circuit court shall, when entering upon a new term of office after the passage of this act,

Salary
increased.

be entitled to receive a salary of three dollars a year. A sum sufficient to pay incurred under the provisions of this act shall be annually appropriated.

SECTION 2. This act shall take effect from and after its passage.

Approved February 26, 1873.

CHAPTER 66.

[Published]

AN ACT to repeal chapter ninety-five of the laws of 1872, entitled "an act to establish assessments for the city of Stevens Point, acts inconsistent therewith, and to re-enact the same," and to re-enact the same as follows:

The people of the state of Wisconsin, representatives and assembly, do enact as follows:

Repealed.

SECTION 1. That chapter ninety-five of the laws of 1872, entitled "an act to establish a board of review of assessments for the city of Stevens Point," and repealing all acts inconsistent therewith, and the same is hereby repealed, and the same is hereby re-enacted, restored and declared to have full force and effect.

Re-enacted.

SECTION 2. This act shall take effect from and after its passage.

Approved February 27, 1873.

CHAPTER 67.

[Published March 3, 1873.]

AN ACT to legalize the publication of the notices of election in the counties of Burnett and Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The publication of the sheriff's notice of election for the general election of 1872, for the county of Burnett, as published in the Polk County Press, and for the county of Bayfield, as published in the Ashland Press, are hereby legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 68.

[Published March 3, 1873.]

AN ACT to amend the city charter of the city of Berlin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-eight of the private and local laws of 1870, entitled an act to amend chapter three hundred and six of the private and local laws of 1866, entitled an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, is hereby amended by inserting after the word, "enterprise," in the seventeenth line of said section, the following words: "Or to take stock in any manufacturing business to be carried on at said city." Section nine of said chapter three hundred and twenty-eight is hereby amended by striking out the word, "north" in the seventh line thereof, and inserting in lieu thereof the word, "south." And sections two, three, four, five, six and seven of said chapter three hundred and twenty-eight are hereby repealed, and all the provisions of chapter five of chapter three hundred and six of the private and local laws of 1866, entitled an act to con-

solidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, are hereby restored, re-enacted and declared to be in full force.

Amended.

May enter into contract.

License moneys to be paid into general fund.

SECTION 2. Chapter four of said chapter three hundred and six of the private and local laws of 1866 is hereby amended by adding thereto the following new sections, in addition to those embraced in said section one of chapter three hundred and twenty-eight of the private and local laws of 1870, viz: Section 14. The city council of said city are hereby authorized to enter into any contract or take any conveyance which they may deem expedient and for the general good, relative to any lands now used and laid out for cemetery purposes by C. A. Mathers, Esq., of said city, and adjoining the cemetery in said city, and after the execution of any such contract or conveyance, it shall be lawful for said city council to use or permit to be used such lands for cemetery purposes. Section 15. All moneys collected in said city under the provisions of the excise laws of this state for licenses issued to dealers in intoxicating liquors, shall be paid into and belong to the general fund of the treasury of said city, and shall be used for the support of the city poor of said city, so far as said city council shall deem to be necessary; the balance to belong to the general city fund of said city.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 69.

[Published March 4, 1873.]

AN ACT to divide the eighth ward of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Eighth ward divided, and eleventh ward formed.

SECTION 1. All the territory now included in the eighth ward of the city of Milwaukee, which lies north of the center of Railroad street, shall hereafter constitute and be the eighth ward of the city of Milwaukee. And all the territory now included in the eighth ward of said city, which lies south of the center of said Railroad street, shall constitute and be the eleventh ward of said

city; and said eighth and eleventh wards hereby created, shall have all the rights, privileges, immunities and powers, and be subject to the same laws, regulations and ordinances as the other wards in said city.

SECTION 2. At the next annual charter election in the city of Milwaukee, there shall be elected in each of the said wards hereby created, one alderman, who shall hold his office for the term of one year, and two councilors, one of whom shall hold his office for the term of one year, and one of whom shall hold his office for the term of two years; and annually thereafter there shall be elected in each of said wards, one alderman, who shall hold his office for the term of one year, and one councilor who shall hold his office for the term of two years; and it shall be the duty of the common council of said city to appoint the usual number of inspectors of election in each of said wards, and to designate and provide suitable places for holding the elections therein.

Election of aldermen in said ward.

SECTION 3. There shall also be elected in each of said wards, at the next annual charter election in said city, one justice of the peace, one constable and one supervisor, each of whom shall hold his respective office for the term of years and in the manner now provided by law.

Of other officers

SECTION 4. The dockets and all other papers in suits required by law to be kept by justices of the peace, and heretofore belonging in the eighth ward of said city, shall hereafter be kept in the possession of the justice of the eighth ward hereby created, and the justice of the peace of the eleventh ward hereby created, shall, when elected and qualified, begin a new docket.

How justices' dockets to be kept.

SECTION 5. It shall be the duty of the city comptroller to apportion the amount of city indebtedness now charged to the eighth ward, between the eighth and eleventh wards hereby created, in proportion to the respective equalized assessment rolls for the year 1873, and all real estate lying north of the center of Railroad street, and which, prior to the passage of this act, belonged to the eighth ward of said city, shall hereafter belong to the eighth ward hereby created; and the said eighth ward hereby created shall pay to the said eleventh ward, the sum of two thousand dollars, as a compensation for the right, title and interest of said eleventh ward in said real estate; and said amount shall be assessed on the property of the eighth ward hereby created, at the next levy of taxes which is made after the passage hereof. The city comptroller

Apportionment of ward indebtedness.

shall also apportion the ward fund of the eighth ward between the eighth and eleventh wards hereby created, in the ratio of the equalized assessment rolls for the year 1873.

SECTION 6. This act shall take effect and be in force from and after 31st day of March, A. D. 1873.

Approved February 27, 1873.

CHAPTER 70.

[Published March 4, 1873.]

AN ACT to divide the fifth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Boundaries of
the fifth and
eleventh wards.

SECTION 1. All the territory bounded as follows, to wit : Commencing at a point in the center line of first avenue, on the present boundary line between the fourth and fifth wards of the city of Milwaukee ; thence east on the boundary line between said fourth and fifth wards to the Milwaukee river ; thence easterly along the center line of the Milwaukee river and the straight cut harbor, to the eastern boundary line of the city of Milwaukee ; thence south on said eastern boundary line of the city of Milwaukee to a point when [where] said line is intersected by the south line of section thirty-three (33), township seven, range twenty-two east, extended ; thence west along the said south line of said section number thirty-three extended, and the south line of section thirty-three and thirty-two, and along township line in Railroad street to center line of first avenue ; thence north along the center line of first avenue to the point of commencement, shall hereafter constitute and be the fifth ward of the city of Milwaukee, and all the territory now included in the said fifth ward of the city of Milwaukee, which lies south of the south line of the fifth ward hereby constituted, shall hereafter constitute and be the twelfth ward of the city of Milwaukee ; and the said fifth and twelfth wards shall have all the rights, privileges, immunities and powers, and be subject to all laws, regulations and ordinances as other wards of said city.

Election of
ward officers.

SECTION 2. All the ward officers of the fifth ward, as heretofore existing, all residing in the fifth ward

hereby constituted, shall continue to hold their offices as officers of the fifth ward hereby constituted, as if this act had not been passed. And at the annual charter election next to be held in the said city, there shall be elected such officers in addition to those holding over as are required by law, and at the next annual charter election to be held in said city, there shall be elected in the twelfth ward hereby created, one alderman, one councilor to hold his office for one year, one councilor to hold his office for two years, one justice of the peace, one supervisor, one constable and such other ward officers as may be required by law, to be elected in each ward of the said city, and all the laws and ordinances of the said city relating to wards of the said city, shall apply to the fifth ward as hereby constituted, and to the twelfth ward as hereby created as separate and distinct wards of the said city: *provided, however*, that the present officers of the fifth ward, as heretofore existing, shall have authority to act in and for both wards hereby constituted and created, until the next annual charter election of the said city.

SECTION 3. All property, real and personal, owned or appertaining to the fifth ward of said city, as heretofore existing, shall belong and appertain exclusively to the fifth ward as hereby constituted, and in lieu thereof, and as compensation therefor, the fifth ward of the said city as hereby constituted, shall pay to the twelfth ward hereby created, the sum of ten thousand dollars, to be levied and collected as a ward tax on all real and personal property subject to taxation in the fifth ward as hereby constituted, four thousand dollars thereof in the year 1873, two thousand dollars thereof in the year 1874, two thousand dollars thereof in the year 1875, and two thousand dollars thereof in the year 1876. Division of
ward property.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 71.

[Published March 4, 1873.]

AN ACT to authorize the secretary of state to purchase four thousand additional copies of an index to the laws of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall purchase
additional
copies.

SECTION 1. The secretary of state is hereby authorized and required to purchase four thousand copies of a synoptical index in addition to those heretofore ordered, which index shall include all laws, general, private and local, passed by the territorial and state legislatures, including the laws passed at the present session of the legislature, and which index shall be examined and approved by the attorney general, and all the copies of said index shall be bound in good first-class paper covers, and delivered to the secretary of state on or before July 1st, 1873, to be distributed in such manner as the legislature may direct.

Shall give re-
ceipt and audit
claim.

SECTION 2. The secretary of state shall give a written receipt for the copies of the work delivered, and upon the beginning of the next fiscal year, shall audit the claim for such additional copies, in the sum of three thousand and five hundred dollars, which shall be in full payment for the same: *provided*, that no portion of the moneys appropriated under this act shall be paid until a full and complete title to the said synoptical index, and the copy-right to publish the same, shall be vested in the state of Wisconsin.

Appropriated.

SECTION 3. There is hereby appropriated out of any money in the state treasury belonging to the general fund, not otherwise appropriated, payable on or after the first day of February, 1874, a sum sufficient to defray the expenses authorized by this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1873.

CHAPTER 72.

[Published March 3, 1873.]

AN ACT to amend section one of chapter twenty of the general laws of 1868, entitled "an act to provide for the annual publication of a legislative manual."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter twenty of the general laws of 1868 is hereby amended so as to read as follows: Section 1. It shall be the duty of the secretary of state to cause to be prepared and printed by the state printer, annually hereafter, for the use of the senate and assembly, a book to be denominated a "Manual," which shall contain "Jefferson's Manual," the rules and orders of the senate and assembly, joint rules of the senate and assembly, list of senators and assemblymen, and employes of each house, diagrams of the senate and assembly chambers, statistical and other information of the same description with that contained in the books heretofore procured by clerks of the two houses respectively, with such other matter as may be deemed useful.

Amended—
shall cause
manual to be
printed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 73.

[Published March 4, 1873.]

AN ACT to facilitate the settlement of the estates of deceased persons, and to amend sections five and seven of chapter one hundred and one of the revised statutes, entitled "of the payment of debts and legacies of deceased persons."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter one hundred and one of the revised statutes, entitled "of the payment of debts and legacies of deceased persons," is hereby amended so as to read as follows: Section 5.

Amended—
time fixed for
allowance of ac-
counts.

The county court shall allow such time as the circumstances of the case shall require for the creditors to present their claims to the commissioners for examination and allowance, which time shall not, in the first instance, exceed one year, nor be less than four months, and the time allowed shall be stated in the commission. But if the time allowed shall be less than six months, the first publication of notice to creditors shall be made within ten days from the date of the order fixing the time.

Amended—
court may allow
further time.

SECTION 2. Section seven of said chapter one hundred and one is hereby amended so as to read as follows: Section 7. On the application of a creditor who has failed to present his claim, if made within two months from the time previously limited, the court may, for good cause shown, renew the commission and allow further time, not exceeding one month, for the commissioners to examine such claim, in which case the commissioners shall personally notify the parties of the time and place of hearing, and within ten days, shall make return of their doings to the county court.

Settlement
with executors.

SECTION 3. Two months after the time allowed to creditors to present their claims, every executor or administrator shall render his account of his administration; and the county court shall thereupon, by order, direct and command the said executor or administrator to proceed forthwith to a final settlement of the estate in the manner prescribed by law, unless it shall appear upon proof duly made:

Exceptions.

1. That the personal assets in the hands of the executor or administrator are not sufficient to pay the debts of the deceased, and that it is necessary to sell the real estate to pay such debts; or

2. That an appeal has been taken from an allowance of the commissioners or county judge, and is pending and undetermined; or

3. That a contingent claim has been presented, exhibited and allowed; or

4. That the debts due to the estate have not been collected; or

5. That it would be advantageous to the estate to allow the executor or administrator further time to make a final settlement.

Final settle-
ment to be en-
forced.

SECTION 4. If an order shall be made directing and commanding the executor or administrator to proceed forthwith to a final settlement, the county court shall, at the same time, make an order or judgment, if any claims have been proven, for the payment of the debts according to law. If any executor or administrator

shall neglect, delay or refuse to comply with the order directing and commanding him to proceed forthwith to a final settlement, the county court shall attach him as for a contempt.

SECTION 5. This act, so far as it may be applicable, shall apply to all estates now in process of administration. *Application.*

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1878.

CHAPTER 74.

[*Published March 8, 1878.*]

AN ACT to authorize improvement companies to have a lien on logs, timber or lumber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Every company in this state, incorporated for the improvement of rivers or streams, whose charter authorizes the collection of tolls on logs, timber or lumber for said improvement, driving or any other work done on and about said logs, shall have a lien on said logs, timber or lumber for said tolls, and shall have the right, by their officers or authorized agent, to seize and hold the same, and proceed to collect the tolls due thereon, according to chapter one hundred and fifty-four of the general laws of 1862 of this state, and the several acts amendatory thereof. *Shall have lien for toll.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1878.

CHAPTER 75.

[Publ

AN ACT to reduce the price of certain s
lands in Monroe county, W

*The people of the state of Wisconsin, r
and assembly, do enact as follows:*

May reduce
price of lands.

SECTION 1. The commissioners c
iversity lands are hereby authorized
duce at once the price of the fol
overflowed land, now owned by the
southeast quarter of the southeast
thirty-four (34), township nineteen (1
(1) west, in Monroe county, in the s
to the uniform price of one dollar an
per acre; and said commissioners
ized and empowered to sell said lan
one dollar and twenty-five cents per

SECTION 2. This act shall take eff
from and after its passage.

Approved February 28, 1873.

CHAPTER 76.

[Publi

AN ACT to amend chapter one hundred
revised statutes, entitled "of

*The people of the state of Wisconsin, r
and assembly, do enact as follows:*

Amended—
may maintain
action for waste

SECTION 1. Section nine of cha
and forty-three of the revised statut
by amended so as to read as fol
Whenever any lands or tenements sl
tue of a power of sale in a mortgage,
judgment of foreclosure and sale up
tion is authorized after sale, the pers
tificate of sale may be executed pur
by the officer making the same, may
for waste against any person for any
by such person on the premises after

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved February 28, 1873.

CHAPTER 77.

[Published March 4, 1873.]

AN ACT to prevent the use of imperfect copies of papers in legal actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall hereafter be unlawful for any officer whose duty it may be to make and certify or serve any copy of any paper, process, pleading or notice, in any legal action, to make such copy by a letter press imprint upon thin or tissue paper, or to certify or serve any such copy. And the service of any such copy, in any action or proceeding, by any officer, party or attorney, shall be held invalid, illegal and of no effect.

Service of letter press copies illegal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved February 28, 1873.

CHAPTER 78.

[Published March 4, 1873.]

AN ACT to amend sections seventeen and eighteen of chapter one hundred and thirty of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seventeen of chapter one hundred and thirty of the general laws of 1868, is hereby amended so as to read as follows: Section 17. The board of assessors shall place upon the assessment roll, opposite the name of each person liable to assessment on per-

Amended—shall place aggregate valuation of personal property upon assessment roll

sonal property, the aggregate valuation of all personal property, owned by himself or his wife, or which he has in charge or possession as lessee, occupant, agent, parent, guardian, executor, administrator, trustee, assignee or receiver, which is liable to taxation, such aggregate valuation to be fixed according to the best judgment and belief of said board. To determine the amount of personal property, except moneys, notes, bonds, mortgages or other securities owned by any person liable to taxation, said board of assessors or any of them, may examine such person under oath, as to all items of personal property, as aforesaid owned or possessed by him or her, and the true value thereof. And should any person refuse to testify under oath, before said board of assessors or any one of them, as to the items and value of his or her property, or should the assessors or any one of them, or the board of review, desire further evidence, they may call upon other persons as witnesses to give evidence under oath as to the items and value of the personal property of such persons. In determining the amount of moneys, notes, bonds, mortgages or other securities owned or held by any person, and the amount of indebtedness which any person may be entitled to deduct from credits, such person shall be required to make a statement thereof, under oath, giving the average amount of such moneys, notes, bonds, mortgages or other securities owned or held by him or her, and the average amount of indebtedness which he or she may be entitled by law to deduct from such credits for each and every month during the year ending on the first day of May in which the assessment is made, and the average amount of such moneys, notes, bonds, mortgages or other securities for such year, determined as aforesaid, shall be assessed for taxation. Any person making a false statement under oath before said assessors, or any one of them, or the board of review, shall be deemed guilty of perjury.

Amended—
shall add to aggregate valuation.

SECTION 2. Section eighteen of said chapter one hundred and thirty of the general laws of 1868, is amended so as to read as follows: Section 18. All articles of personal property shall, as far as practicable, be valued by the assessor upon actual view, and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have reason to believe that such person has other personal property, consisting of interest accrued on bonds or other securities, which are exempt by law from taxation, or any other

thing of value liable to taxation, they shall add to such aggregate valuation of personal property, an amount which, in their judgment, will render such aggregate valuation a just and equitable valuation of all the personal property liable to taxation belonging to such persons.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1873.

CHAPTER 79.

[Published March 4, 1873.]

AN ACT to authorize the city of Appleton to issue bonds for the purpose of purchasing a steam fire engine and apparatus, and building an engine house for said city, and to repeal chapter fifty-nine of the private and local laws of 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Appleton is hereby authorized to make, execute and issue a series of bonds of said city, not to exceed twelve in number, of the denomination of one thousand dollars each, to be numbered from one to twelve, and said bonds to be dated severally at such time or times as the same shall be issued. The principal of said bonds shall be payable in one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve years respectively, after the date thereof, to such person or persons as may be entitled to receive the same, and shall be payable at the city of New York, at such bank or office as the said council shall determine, and such bonds shall have interest coupons attached, and shall bear interest from the date thereof respectively, until the principal thereof shall be paid, at the rate of seven per cent. per annum, payable in the city of New York, at such bank or office as the said council shall determine, annually after the date thereof, on the presentation and surrender of the several interest coupons thereto attached. Said bonds shall be signed by the mayor of said city and countersigned by the clerk of said city, and shall have the seal of said city thereto attached.

May issue bonds.

When and where payable.

Shall prescribe form. SECTION. 2. The common council of said city shall, before the issuing of any such bonds, prescribe and adopt the form thereof, and determine the amount to be issued, and the time or times when the same shall bear date.

Shall be good and valid. SECTION 3. Such bonds, when issued in accordance with the provisions of this act, shall be good and valid according to the terms and provisions thereof, and payable as therein provided.

How proceeds to be applied. SECTION 4. The proceeds of said bonds shall be applied by said common council to the purchase of a steam fire engine and apparatus, and to building an engine house for said city.

Shall levy annual tax. SECTION 5. The said common council is hereby authorized and required to levy annually upon the taxable property of said city, in addition to all other taxes, a sufficient tax to pay the amount of principal and interest that shall become due upon such bonds, until the whole thereof shall be paid.

Repealed. SECTION 6. Chapter fifty-nine of the private and local laws of the year 1872 is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1878.

CHAPTER 80.

[Published March 5, 1878.]

AN ACT to appropriate a sum of money therein named for the use of the Institute for the Education of the Deaf and Dumb, for the payment of current expenses from April 1st, 1873, to February 1st, 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated. SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of twenty-eight thousand and five hundred dollars, in full for the payment of the current expenses at the Institute for the Education of the Deaf and Dumb, from April 1st, 1873, to February 1st, 1874.

When payable. SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of the general laws for the year 1873.

Approved March 4, 1873.

CHAPTER 81.

[Published March 6, 1873.]

AN ACT to authorize the county superintendents of schools of county school superintendent district number two of the county of Fond du Lac, to hold his examinations of teachers in the city of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county superintendent of schools of the county school superintendent district number two of the county of Fond du Lac, is hereby authorized to hold his examinations of teachers in the city of Fond du Lac. Where examinations to be held.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER 82.

[Published March 5, 1873.]

AN ACT to pay L. F. Kellogg, clerk of the supreme court, a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of Appropriated. any money in the general fund not otherwise appropriated, the sum of one hundred and fifty-three dollars and fifty cents, to L. F. Kellogg, for payment of his account against the state for costs in criminal and state cases for 1871 and 1872.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 83.

[Published March 5, 1873.]

AN ACT to provide for the cancellation of certain county orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall present
list of county
orders.

SECTION 1. At each annual session of the several county boards of supervisors in this state, the clerk of said board shall prepare and present to the board a descriptive list, giving date, amount and payee of all county orders drawn, which shall have remained in his office two years uncalled for by said payee. The board shall cause such orders to be compared with such list, and when found or made correct, such list shall be filed and preserved in the office of such clerk, and all such orders shall be cancelled and destroyed.

May have new
order issued.

SECTION 2. The person entitled to any such order, (excepting orders provided for in chapter 153, laws of 1868), may, upon application to the chairman and clerk of the board, have a new order issued to him for the amount of the original order, without interest, at any time within six years from the date of the original order, and not afterwards.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 84.

[Published March 5, 1873.]

AN ACT to organize the county of Barron for judicial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall choose
county officers.

SECTION 1. For the purpose of perfecting the organization of the county of Barron for all civil purposes, there shall be chosen in said county by the qualified electors thereof, at the general election to be held on the Tuesday next succeeding the first Monday in November next, besides officers to be then elected

under the present organization of said county, such other elective county officers not hitherto by law provided for said county, as pertain and are common to counties in this state, fully organized for judicial, as well as other purposes.

SECTION 2. The regular term of office of the officers so elected shall commence on the first Monday of January, in the year 1874, and thereupon and thenceforth the said county of Barron shall be fully organized for judicial purposes as well as for all county purposes, and shall be no longer attached to the county of Dunn for judicial purposes.

When term of office to commence.

SECTION 3. After the organization of said county as above provided, there shall be two terms of the circuit court held therein in each year, at the following time, to-wit: On the first Monday of March, and on the first Monday of September, but there shall be no petit jury drawn or summoned for the March term of the circuit court for the said county of Barron: *provided* the judge of the circuit of which said county is a part, may, in his discretion, by an order to be filed with the clerk of the circuit court of said county, at least thirty days before any such September term, direct the drawing and summoning of such jury for such term; and thereupon a jury shall be drawn and summoned accordingly, as provided by law in other cases. But nothing herein contained shall be construed to abridge the power of the court to issue a special venire in the cases provided by law.

Terms of the circuit court.

Approved March 4, 1873.

CHAPTER 85.

[*Published March 6, 1873.*]

AN ACT to prevent the improper disposal of property by agents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If any clerk, agent or servant of any person, corporation or company, shall knowingly and wilfully sell, convey or deliver any article of personal property contrary to the written or printed instructions of, or agreement with, his employer, and who has been

Shall follow instructions of employer.

furnished a copy of such written or printed instructions or agreement, and whereby his employer sustains any damage or loss by such clerk, agent or servant, selling, conveying or delivering any such article of personal property contrary to such written or printed instructions or agreement, any violation of such written or printed instructions or agreement, with intent to defraud his employer, is hereby declared to be a misdemeanor, and such clerk, agent or servant shall, upon conviction of any violation of this act, be punished by a fine not less than twenty-five dollars, and not more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, at the discretion of the court, or by both fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER 86.

[Published March 6, 1873.]

AN ACT to amend section thirty-three of chapter sixteen of the private and local laws of 1872, entitled "an act to incorporate the city of Eau Claire."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—
shall submit
question of free
bridge to vote.

SECTION 1. Section thirty-three (33) of chapter sixteen (16) of the private and local laws of 1872, is hereby amended by adding to said section the following: "*and provided further*, that the common council of said city shall have the power, at any time, to submit to a vote of the qualified electors of said city, in such manner and at such time as said council shall direct, the question of making said bridge a free bridge; and whenever, at any such election, a majority of all the votes cast upon such question shall be in favor of making said bridge free, then the common council of said city shall have the power, by ordinance, to make and declare said bridge free for the passage thereon of all persons and property, without the payment of any toll or charge therefor."

SECTION 2. All acts and parts of acts contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 87.

AN ACT granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma in Buffalo county, and the mouth of the Chippewa river in Buffalo county, to the opposite shore in the state of Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Albert Taylor, his associates, heirs and assigns shall have the exclusive right to establish and maintain for the period of fifteen years, a ferry across the Mississippi river from some point above the limits of the village of Alma in Buffalo county, and below the mouth of the Chippewa river, in Buffalo county, to the opposite shore, in the state of Minnesota.

Right to establish ferry.

SECTION 2. The said Albert Taylor, his associates, heirs or assigns shall, within one year from the passage of this act, place and maintain at such point, such good and sufficient boat or boats as may be necessary to carry across said Mississippi river all teams, horses, cattle, and other property, and for the accommodation of foot passengers, and shall at all times give prompt attendance on passengers and teams, at least ten hours per day, and at all hours of the day or night for foot passengers, but persons crossing said ferry at night may be charged double the rates hereinafter prescribed.

Shall furnish good boats.

SECTION 3. The said Albert Taylor, his heirs, associates or assigns may land their boats, passengers or property at and upon any public highway which now does or may hereafter terminate within the point specified in section one (1) of this act upon the lands of any person or persons who may give their consent so to do.

May land passengers on public highway.

SECTION 4. The rates charged for crossing at said ferry shall not exceed the following: For each vehicle drawn by two horses, mules or oxen, loaded or unloaded, with or without a driver, the sum of fifty cents. For cattle, horses or mules in droves, the sum of fifteen cents each. For each foot passenger, the sum of ten cents. For swine or sheep in droves, the sum of five

Rates of ferryage.

cents each. On all freight, merchandise or other property, not in teams, at the rate of twenty-five cents per hundred pounds, when the same is delivered by one person, and does not exceed two hundred pounds; and for any excess of two hundred pounds, at the rate of ten cents per thousand pounds; on all lumber at the rate of fifty cents per hundred feet: *provided, however*, that double the above rates may in all cases be charged between the hours of seven o'clock, P. M., and five o'clock, A. M.; and *provided further*, that all passengers, stock and freights that may hereafter be required by any railroad company to be transferred or transported across said river at that point, shall be carried by said Taylor at one-half of the above fare and charges.

Penalty for
illegal ferriage.

SECTION 5. In case the said Albert Taylor, his associates, heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rate of ferriage than is allowed by this act, the said Albert Taylor, his associates, heirs or assigns shall be liable to the party aggrieved, in the sum of ten dollars for every such act, to be recovered before any justice of the peace having jurisdiction over the same.

Exclusive right

SECTION 6. In case any other person or persons shall, after the establishment of said ferry, set up, keep or maintain any ferry or shall carry any person's goods or chattels for hire or pay, across said Mississippi river from any point within the points mentioned in section two of this act, every such person shall, for each and every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid by the person entitled by law to sue for and recover the same: *provided*, that nothing in this act shall be so construed as to prevent any railroad company or companies from establishing or maintaining a ferry or bridge within the limits mentioned in section one, for the transaction of their own business only.

Shall file bond.

SECTION 7. The said Albert Taylor, his associates, heirs and assigns shall, within one year from the passage of this act, file or cause to be filed with the clerk of Buffalo county, a bond to the supervisors of said county, with two or more sufficient sureties, to be approved by the treasurer of said Buffalo county, in the sum of two thousand dollars, conditioned that the said Taylor, his heirs and assigns will fulfill all the duties imposed upon him by this act; and if he shall fail to file said bond, he shall forfeit all the benefits that might accrue to him from this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 88.

AN ACT to establish a ferry across the Mississippi river at the village of Victory, in Vernon county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That J. B. Wilcox, his associates, heirs and assigns shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the waters of the Mississippi river, at the village of Victory, in Vernon county, Wisconsin, and for two miles up and one mile down said river, from said village. Exclusive right to maintain ferry.

SECTION 2. The said J. B. Wilcox, his associates or assigns shall, within one year from the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle or other property, and for the accommodation of foot passengers, and shall run said ferry boat with such passengers as may wish to take passage thereon across said river, at least once each day, when the passage of the river shall not be obstructed with ice, and to that end, shall start from said point at some hour in each day set by him, and a notice of which time shall be kept posted up in some conspicuous place in said boat, and also in said village, and all persons crossing said river after night may be charged double the fare hereinafter prescribed: *provided*, that foot passengers shall be ferried across said river at all times and hours when desiring the same. Shall furnish good boats.

SECTION 3. The said J. B. Wilcox, his associates and assigns may land their boats, passengers and property on any public highway which now does or hereafter may terminate within the points above specified, or on the lands of any person or persons owning the same, they having first procured permission of said owners so to do. May land passengers on public highway.

Shall file bond.

SECTION 4. The said J. B. Wilcox, his associates or assigns shall, within one year from the passage of this act, file or cause to be filed with the clerk of the said county of Vernon, a bond to the supervisors of said county, with two or more sufficient sureties, to be approved by the county treasurer of said Vernon county, in the sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by this act, and in case they shall fail to file said bond, they shall forfeit all the benefits that might accrue to them from its passage.

Penalty for neglect of duty.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross said ferry, the aforesaid corporation shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said county in a civil action before any justice of the peace of said county, and they shall be liable for all damages that may accrue to any person by reason of their neglect to comply with, and perform the duties imposed upon them by this act, to be recovered before any justice of the peace in the state.

Rates of ferriage.

SECTION 6. The rates charged for crossing said ferry shall not exceed the following rates, except to those crossing between the hours of 8 o'clock, P. M., and 5 o'clock, A. M.: For each foot passenger, twenty-five cents; for each horse, mare, or mule, with or without rider, fifty cents; for each two horse, two mule or two ox team, loaded or unloaded, with or without driver, one dollar; for each single horse and carriage, with or without passengers, sixty cents; for each additional horse, mare, mule, cow or ox, fifteen cents; for each swine or sheep, five cents. All freights of merchandise or other articles not in teams, at the rate of twenty cents per hundred pounds, when the same, delivered by one person, shall not exceed two hundred pounds, and for any excess over two hundred pounds, at the rate of ten cents per hundred weight, and one dollar per thousand feet for lumber.

Penalty for demanding illegal rates.

SECTION 7. If said parties, their heirs or assigns or any ferryman or other person employed by them shall take, exact or receive, any greater or higher rate of ferriage for transporting persons, goods or chattels, or other things whatsoever, than is allowed by this act, the said corporator, his heirs or assigns shall be liable to the party aggrieved in the sum of five dollars for every such act, which may be recovered before any justice of the peace of said county.

SECTION 8. If any person or persons shall, after the establishment of the said ferry as aforesaid, set up, keep or maintain any ferry, or shall carry any persons, goods or chattels for hire or pay, across the Mississippi river, from any place on the east side or shore of the waters of said river, within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, by and for the use of any person entitled by law to sue for the same.

Penalty for infringement of right.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 89.

AN ACT to amend chapter three hundred and sixty-five of the laws of Wisconsin, approved April 24, 1864, entitled an act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, and chapter one hundred and five of the general laws of 1868, entitled an act to accept the grant of land made to the state of Wisconsin by congress to aid in the construction of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same, approved March 5, 1868.

WHEREAS, By chapter three hundred and sixty-five of the laws of Wisconsin of 1864, approved April 24, 1864, the "Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company" was made a body corporate, with power to borrow money on notes, bonds, mortgages, or other papers or securities, and were empowered to proceed to locate, construct and build a ship canal in Door county, Wisconsin, between the head of Sturgeon Bay and Lake Michigan, connecting the waters of said Bay with said Lake Michigan, and to construct a breakwater and harbor on the lake shore at the mouth of said canal; and by section eight and subsequent sections of said act of incorporation above mentioned, said company, by its directors, were authorized and empowered, among other things, to regulate tolls and charges, to be made upon all boats, vessels, steamboats and other craft used for the transportation of freight and passengers on and along the canal of said company, so proposed to be built, and yet were

Preamble.

not in express language empowered to mortgage said canal and the net tolls and income thereof, to raise the money necessary for its construction, to which capitalists, having money to loan, make objection, as not being sufficiently definitive and certain; and

WHEREAS, Subsequently the congress of the United States passed an act, approved April 10, 1866, which act granted to the state of Wisconsin, for the purpose of aiding said state in constructing and completing a breakwater and harbor and ship canal to connect the waters of Green Bay with the waters of Lake Michigan, two hundred thousand acres of public lands, and which said act further declared that the said lands hereby granted shall be subject to the disposal of the legislature of said state, for the purposes aforesaid and for no other; and,

WHEREAS, The state of Wisconsin, by chapter one hundred and five of the laws of said state, approved March 5, 1868, entitled an act to accept the grant of lands made to the state of Wisconsin by congress to aid in the construction of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor, in the county of Door, to connect the waters of Green Bay and Lake Michigan, and to provide for the construction of the same, did thereby accept said lands so granted by congress, and did declare, by section two of said act, that for the purposes of carrying out the objects of said act, the said lands are hereby granted and conferred upon the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company; and,

WHEREAS, Said lands so granted were required by congress to be selected from the public lands nearest to said canal, and from which the best selections of public lands had already been made years before; and,

WHEREAS, In consequence of very extensive trespasses committed through years past upon said lands so selected, estimated to amount in all to about one hundred millions of feet of the best pine timber upon them; and in consequence of the unprecedented fires of October, 1871, which destroyed so large a portion of the remaining pine and other timber upon said lands, their value has been greatly reduced, and cannot now be estimated or valued at more than \$150,000 for the 200,000 acres of lands, if as much; which sum is wholly inadequate to the cost of constructing said canal, said cost being officially reported to the secretary of war in 1871, after a very

careful, complete and accurate survey by government engineers, to be on the cheapest line and route. From this sum, however, there may be deducted as follows, to wit:

	Deductions.	
Estimated cost		\$629,300
1st. The estimated cost of a perishable timber reversionment on the sides of said canal not needed for years to come, if at all.....	\$144,400	.....
2d. The net amount already received from timber trespasses and for burned and down timber sold over costs of collection and over costs of protection of said canal lands, as audited and settled by the state.....	23,240	.....
3d. The present full value of the 200,000 acres of lands granted by congress, after the damages committed by trespass, and by fire.....	150,000	.....
		<u>317,240</u>
Still leaving to be provided, to insure the completion of said canal, the sum of		\$312,060
To this sum must be added provisions for the expenses of preparing the mortgage and bonds proposed to be made and issued, and the expenses and commissions to be paid to effect the sale of the same, and the possible discount from par that it may be necessary to make, to effect the sale thereof in the money market, together with the interest that will accrue on a portion of the bonds sold pending the construction of said canal, amounting in all probably to \$50,000; but to reduce these expenses to the minimum, and to limit the proposed mortgage or deed of trust on said canal to the sum of \$350,000, and the interest thereon, call these items but.....		<u>37,940</u>
And it leaves to be provided by mortgage trust on canal income....		<u><u>\$350,000</u></u>

Which mortgage of \$350,000 is the estimated amount necessary to be issued and used by said canal company in order to complete said canal, and which said mortgage and the bonds to be issued in connection therewith, said company respectfully ask of the legislature the power in express language, to secure upon said Sturgeon Bay and Lake Michigan Ship Canal and Harbor, and the net tolls and income thereof, and upon the lands granted by congress to aid in its construction until the same is fully repaid, with interest as in said mortgage and bonds to be provided, which legislation is also solicited and deemed expedient in order to remove the apprehensions and obstacles which capitalists might otherwise

find to the purchase of said bonds at their full value in the market; and,

WHEREAS, The extension by congress of the time for the completion of said canal expires on the tenth of April, 1874, leaving but one, the coming season, in which to complete the same before the land grant for its aid expires, and is withdrawn; and,

WHEREAS, Said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company have, within the past year, accomplished about one-fourth part of the work of constructing said canal, and are now ready and desirous, with the proper and necessary legislative provisions and aid, to more definitely and conclusively arrange with the state of Wisconsin for the completion by said company of said canal (to the great benefit and relief of the increasing commerce of Green Bay and the lakes), by taking the aforesaid 200,000 acres of land granted in aid of said canal in part payment therefor, the same to be conveyed from time to time, by patents to said company as the work progresses, as such conveyance is now provided for in section four of chapter one hundred and five of the laws of 1868, hereinbefore mentioned and referred to, and also by said company's being authorized by the state to execute in addition, in order to provide funds for the balance of the further estimated cost of construction of said canal, a mortgage deed of trust upon said Sturgeon Bay and Lake Michigan Canal and Harbor, and the net tolls and income thereof, and also upon any part or all of said lands granted by congress as aforesaid, for said \$350,000, the same, and the bonds in like amount to be issued in connection therewith, and to be secured thereby, to be and remain a lien upon said canal and harbor, and upon the said lands and the net tolls and income of said canal, until said bonds and the interest thereon as provided in said bonds and mortgage shall have been fully paid by the proceeds of the income of, or by the sale of said canal lands or otherwise. Beyond such authority of the state to said company to so mortgage and pledge said canal and lands, and the income thereof, the said state of Wisconsin is however in no wise or in any way to be held or made liable for the payment of principal or interest of said bonds, nor is recourse to be had to said state in any way, for or on account of said canal, or any liability thereof. Now, therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, made a body corporate by chapter three hundred and sixty-five of the laws of 1864, approved April 24, 1864, and now legally organized and engaged in carrying out the objects of its incorporation under said law, and the franchises powers and privileges by said act granted and conferred upon said company, and all of which said franchises, rights, powers and privileges are hereby declared to be extended and continued to said company, the same as originally conferred upon it by said act, and in order the better to enable said company promptly to proceed with the work of said canal, it is [they are] hereby authorized and empowered to make and execute a deed of trust or mortgage, with such provisions and conditions therein as they shall deem proper, and to issue bonds to be secured by said mortgage, for any sum not exceeding three hundred and fifty thousand dollars, and are authorized to secure said deed of trust or mortgage and the bonds issued in connection therewith upon the said Sturgeon Bay and Lake Michigan Ship Canal and Harbor, and upon the net tolls, revenues and income thereof, and also upon any part, or all of the lands heretofore granted by congress to the state of Wisconsin for the purpose of aiding said state in constructing and completing a breakwater and harbor and ship canal, to connect the waters of Green Bay at the head of Sturgeon Bay with the waters of lake Michigan: *provided*, that said mortgage shall not be or become a lien or incumbrance upon the lands above mentioned, or in any manner affect or impair the right, title or interest of the state of Wisconsin thereto or therein, except and until the said canal or parts of it is constructed as required by existing laws in relation thereto; *and provided further*, that whenever one-fourth, or one-half, or three-fourths part of the work of construction of said canal is performed by said company, or whenever they shall have completed the whole of said canal, the one-fourth, one-half, three-fourths or the whole of said lands, as the case may be, shall be conveyed to said company by the state of Wisconsin, or its proper officers as now provided by law, and when so conveyed, the same or any portion thereof shall thereafter be and become subject to any mortgage or deed of trust, said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company shall already have

May execute
deed of trust.

executed, or may thereafter execute or cause to be executed thereon, or on any portion thereof, for the better securing thereby of any bonds that may be issued by said company in connection with said mortgage, and to the extent and in the manner provided for in any such mortgage or deed of trust, and any mortgage or deed of trust which said company shall think proper or necessary for them to execute in aid of the construction of said canal, prior to the time of the construction of any part or of the whole of said canal shall be and become a lien on said lands and canal and on the net tolls and income thereof, as said work progresses or is completed as is herein provided, and not otherwise.

Denomination
of bonds to be
issued.

SECTION 2. The bonds to be issued by said company under and in accordance with and to be secured by the mortgage or deed of trust of said company above mentioned, may be issued in sums of not less than one hundred nor more than one thousand dollars, may draw such interest not exceeding ten per cent. per annum, payable semi-annually as said company may determine upon, and may be sold and disposed of by said company at, above or below par in their discretion in aid of the construction and completion of said canal and harbor. And in case said company shall fail to sell or otherwise dispose of said bonds satisfactorily, in time to complete and finish said canal and harbor as herein provided for, they may, but shall not be required hereby, to so complete the same.

SECTION 3. This act shall be published, and take effect immediately.

Approved March 5, 1873.

CHAPTER 90.

[Published March 11, 1873.]

AN ACT to confer certain benefits upon the Wisconsin State Agricultural Society, for the promotion of agriculture and the kindred arts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of two thousand dollars for the benefit of the State Agricultural Society, for the year 1873.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 91.

[Published March 11, 1873.]

AN ACT for the preservation of game in Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person to catch, kill or otherwise destroy, or pursue with the intent to catch, kill or destroy any prairie hen or chickens, partridge or quail, within the limits of the south assembly district of Sauk county for the term of two years from and after the passage of this act.

Game laws—
Sauk county.

SECTION 2. Any person offending against the provisions of the preceding section shall, upon being found guilty, suffer a penalty of five dollars and costs of suit for each and every prairie hen or chicken, partridge or quail so caught or killed, or any attempt to catch or kill such bird.

Penalty for violation.

SECTION 3. This law shall go into effect and be in force after its passage and publication.

Approved March 8, 1873.

CHAPTER 92.

[Published March 11, 1873.]

AN ACT to provide for the purchase of thirteen hundred and twenty-six copies of the Legislative Manual for 1873, as contemplated by joint resolutions fourteen, assembly, and eleven, senate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to purchase and distribute, as contemplated by

May purchase
Legislative
Manual.

joint resolutions number fourteen, assembly, and eleven, senate, thirteen hundred and twenty-six copies of the Legislative Manual for the year 1873: *provided*, the cost thereof shall not exceed two dollars and fifty cents per copy, except those copies required by said resolutions to be bound in full morocco and lettered with names, the account for which the said secretary of state shall audit at the regular trade rates for such work.

Appropriated.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 93.

[Published March 11, 1873.]

AN ACT to amend chapter four hundred and forty-nine of the private and local laws of 1860, entitled "an act to incorporate the city of Oconto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

A mended.

SECTION 1. Section one of chapter two hundred and ninety of the private and local laws of 1870 is hereby amended so as to read as follows: Section 1. Section one of chapter two of said chapter four hundred and forty-nine is hereby amended as follows: Where the word, "April" occurs in the second line of said

Elective officers

section, strike out the same and insert "May." Section two of chapter two of said act is hereby amended as follows: The elective officers of said city shall be a mayor, treasurer, assessor, city clerk and marshal, for the city at large, and for each ward one justice of the peace, one constable and two aldermen. Section one of chapter three of said act is hereby amended as follows: The treasurer shall receive for his services such salary as the common council shall direct, to be paid out of the general fund of said city, which salary shall in no case exceed the sum of one thousand dollars per annum, to be fixed by resolution of the common council, at least thirty days before the charter election in May, 1873, and annually thereafter, and not to be in-

Salary of treasurer.

creased or diminished during the term for which said treasurer shall be elected, which shall be in full for his services as city treasurer.

SECTION 2. Subdivision seventeen of section three of chapter four of chapter four hundred and forty-nine of said laws of 1869 is hereby amended so as to read as follows: 17th. To restrain and regulate runners, and solicitors for boats, vessels, stages, public houses, or other establishments, and to fix a license to be paid by peddlers and hawkers, not to be less than two dollars for each and every day occupied by them in selling or exposing for sale goods, wares and merchandise within said city of Oconto. Amended.
Restrain runners etc.

SECTION 3. Section six of chapter eight of chapter four hundred and forty-nine of said laws of 1869 is hereby amended so as to read as follows: The board of equalization shall consist of the mayor, assessor and chairman of the board of aldermen of each ward. Amended—
board of equalization.

SECTION 4. Sections eight, nine, eleven, twelve and thirteen of chapter eight of chapter four hundred and forty-nine of said laws of 1869 are hereby amended by striking out the words, "city comptroller" wherever they occur in said sections, and inserting the words, "city clerk," it being intended hereby to abolish the office of city comptroller. Amended.

SECTION 5. Section three of chapter nine of chapter four hundred and forty-nine of the private and local laws of 1869 is hereby amended as follows: Insert after the word, "engines" and before the word, "and" in the second line of said section three, the words, "and issue city bonds therefor." Amended.

SECTION 6. So much of chapter four hundred and forty-nine of the private and local laws of 1869, and of chapter two hundred and ninety of the private and local laws of 1870, as is inconsistent with the provisions of this act, is hereby repealed. Repealed

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 94.

[Published March 11, 1873.]

AN ACT to amend chapter one hundred and thirty-three of the revised statutes, "entitled of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The twenty-second subdivision of section one, chapter one hundred and thirty-three of the revised statutes of Wisconsin is hereby amended so as to read as follows: "Attending upon the circuit or county court, three dollars per day to the sheriff, and two dollars each per day to the necessary deputies, to be paid out of the county treasury."

Sheriff's per diem.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 95.

[Published March 11, 1873.]

AN ACT to repeal chapter eighty-seven of the private and local laws of 1872, entitled "an act to take or catch fish in Root river, in the counties of Milwaukee and Racine."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter eighty-seven of the private and local laws of 1872, entitled "an act to provide for the taking or catching of fish in Root river in the counties of Milwaukee and Racine," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 96.

[Published March 11, 1873.]

AN ACT to prevent a multiplicity of actions upon the same cause.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any action brought by husband and wife to recover damages for any injury to the person of the wife by or through the act, procurement or negligence of the defendant, or for which the defendant is liable, it shall be competent for the plaintiffs to claim in the complaint, and thereupon to recover in the verdict and judgment in such action, all such damages as the husband and the wife might by separate actions have heretofore recovered for such injury. May recover damages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 97.

[Published March 11, 1873.]

AN ACT to amend subdivision four of section thirty-eight of chapter six of the revised statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision four of section thirty-eight of chapter six of the revised statutes is hereby amended by inserting therein after the words, "the judge of the county court," where they occur in said subdivision four, the following words, to wit: "the judge of the municipal court of the city and county of Milwaukee;" also by inserting in said subdivision four after the words, "clerk of the circuit court," when they occur in said subdivision four, the following words, to wit: "the clerk of the municipal court of the city and county of Milwaukee." Amended—
county and
municipal
judges included

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 98.

[Published March 11, 1873.]

AN ACT to amend section thirteen of chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics and others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
judgment for
damages and
costs.

SECTION 1. Section thirteen of chapter one hundred and fifty-three of the revised statutes, is hereby so amended as to read as follows: Section 13. In all cases under the foregoing provisions of this chapter, whenever judgment shall be rendered in favor of the plaintiff, such judgment shall be for damages and costs of suit, including costs of filing the petition for lien.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 99.

[Published March 11, 1873.]

AN ACT to repeal chapter twenty-six of the general laws of 1864, entitled an act to amend chapter two hundred and six of the general laws of 1862, entitled "an act to amend section eight of chapter one hundred and twenty-three of the revised statutes, entitled "of the place of trial of civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter twenty-six of the general laws of 1869, entitled an act to amend chapter two hundred and six of the general laws of 1862, entitled [an act to amend] section eight of chapter one hundred and twenty-three of the revised statutes, entitled "of the place of trial of civil actions," (be and the same) is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved March 8, 1873.

CHAPTER 100.

AN ACT to amend chapter fifty-four, private and local laws of 1870, entitled "an act to authorize William A. Thomas to keep and maintain a bridge across Black river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter fifty-four, private and local laws ^{Amended.} of 1870, entitled "an act to authorize William A. Thomas to keep and maintain a bridge across Black river," is hereby amended so as to read in the fifth line of said printed law, "number six (6) west of" instead of "number four (4) west of."

SECTION 2. This act shall take effect and be in force from and after its passage.
Approved March 8, 1873.

CHAPTER 101.

AN ACT to restore Robert McAllister to the rights of citizenship.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Robert McAllister, of the town of ^{Restored.} Wrightstown, in Brown county, Wisconsin, is hereby restored to the rights of citizenship.

SECTION 2. This act shall take effect from and after its passage.
Approved March 8, 1873.

CHAPTER 102.

[Published March 11, 1878.]

AN ACT to authorize the city of Boscobel to construct a toll bridge across the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

May construct bridge and borrow money to pay for same.

Debt to be authorized by vote.

Dimensions of bridge.

When bonds to be payable and rate of interest.

May make rules and regulations

Rates of toll.

SECTION 1. The city of Boscobel is hereby authorized to construct and maintain a bridge across the Wisconsin river, on sections twenty-two (22), twenty-three (23) and twenty-seven (27), town eight (8), range three (3) west, in Grant and Crawford counties, and as near the line of the Wingville and Viroqua state road as practicable, and for that purpose to borrow money and issue the bonds of the said city for the payment of the same, to such an amount as may be necessary, not exceeding twenty-five thousand dollars: *provided*, this act shall be ratified by a majority vote of the electors of said city, at a special election to be held as herein-after provided. Said bridge shall not be less than sixteen (16) feet wide, and shall have a draw of at least fifty feet across the most navigable channel of the river, so constructed as at all times to admit the free passage of rafts, boats and vessels navigating said river, without unnecessary delay.

SECTION 2. The city bonds issued in pursuance hereof shall be payable in not less than three years nor more than sixteen years from the date thereof, and shall bear interest annually not exceeding ten per cent. per annum, and said bonds shall not be negotiated at a less sum than ninety cents on the dollar.

SECTION 3. The said city is hereby authorized and empowered to make all needful rules and regulations about said bridge and the use of the same, and for the term of thirty years after the completion of said bridge, to demand and collect toll for crossing the same, at the following rates, or at such less rates as the mayor and common council of said city of Boscobel may designate or establish: for any vehicle drawn by one horse or other animal, twenty-five cents, and for each additional animal, ten cents; for any foot passenger, five cents; for every horse and rider, ten cents; for all animals in droves up to fifty head, two cents each, and for each animal over fifty, one cent each; and for hogs and heep, there shall not be charged more than one cent per head.

SECTION 4. All funds arising from tolls or from the use of said bridge shall be paid over to the treasurer of the city of Boscobel at least once in each month, and shall be kept by him separate and apart from all other funds, and shall not be paid out except upon orders drawn on that specific fund. The funds arising from toll or the use of said bridge, after paying for the care and maintenance thereof, shall be applied as follows: First, to pay the yearly interest upon said city bonds, and thereafter, to redeem said bonds as fast as said funds will allow.

Application of
funds arising
from tolls.

SECTION 5. In case the revenue from the use of said bridge shall not be sufficient to pay the annual interest on said bonds, the mayor and common council of the city of Boscobel shall annually levy and collect a tax upon the taxable property of said city, in the same manner as other taxes are levied and collected, to pay said interest, or so much thereof as cannot be paid by the funds accruing from the use of said bridge, and the said mayor and common council of said city of Boscobel may levy taxes at such times as they may deem proper, in the same manner, to pay the principal of said bonds, that may not be realized from the revenue derivable from said bridge. The money thus raised shall be kept separate and apart from all other funds, and shall be applied for the purpose for which it was raised and no other.

If tolls not sufficient to pay interest, balance to be raised by tax.

SECTION 6. From and after the passage of this act, and until said bridge shall be fully completed and finished, it shall be placed under the control of three bridge commissioners, elected as hereinafter provided for, who shall have entire charge and superintendence of the work. It shall be their duty, as such bridge commissioners, to make all necessary contracts for the building of said bridge, and to see that such contracts are faithfully executed, to negotiate the sale of the bonds of the city of Boscobel on the best terms in their power, under the provisions of this act, and to apply the proceeds in paying the contractors upon said bridge, from time to time, according to the terms of said contract, and to make a report of their doings to the mayor and common council of said city once in each month or oftener, if required to do so by said mayor and common council. Said commissioners, before entering on their duties, shall give a bond to said city, with sufficient sureties, to be approved by the common council of said city, in a penalty at least equal to the amount of the bonds delivered to them, to secure the faithful performance of their duties. In case any of said com-

To be under control of bridge commissioners—their duties.

Shall give bonds.

How fill vacancies.

missioners die before the completion of said bridge, or should fail to give bonds as required in this act, or from any cause said commissioners should fail or neglect to act as such commissioners, it shall be the duty of the common council of the said city to elect by ballot a commissioner or commissioners to fill whatever vacancies may occur as aforesaid; and the term of office of said board of commissioners shall end with the completion of said bridge, and they shall have all the powers above specified in this section, and shall be subject to the requirements and liabilities herein named.

May appoint bridge commissioner and his duties.

SECTION 7. The mayor and common council of the said city, after the completion of said bridge, shall appoint (and may at their pleasure remove), a bridge commissioner, who shall have the general care of said bridge and superintendence thereof, and of its use and repairs, under such rules and regulations as shall be fixed by ordinance of said city. He shall also be required to give bonds to said city in such sum as the mayor and common council may direct, for the faithful performance of his duty, and to pay over, as required by law or the ordinances of said city, all moneys coming into his hands as such commissioner, which bond shall be filed with the clerk of said city.

Penalty for injury to bridge.

SECTION 8. Any person or persons who shall maliciously injure said bridge shall forfeit and pay to said city therefor a penalty not exceeding five hundred dollars, besides the actual damage done; and any person or persons who shall forcibly or fraudulently pass over said bridge without paying the legal toll, shall forfeit and pay a penalty to said city of the sum of five dollars, said penalties to be enforced and collected in the same manner as penalties for the violation of ordinances of said city.

May acquire real estate.

SECTION 9. The said city shall have the right to acquire any real estate required for the purpose of constructing said bridge, and for the necessary right of way, toll houses, and also to remove and use any dirt, gravel, stone or other material from any real estate necessary to be used in the construction and repair of said bridge, and to acquire the title thereto.

Proceedings for the valuation of lands required for the purpose of building the bridge.

SECTION 10. For the purposes of acquiring such title, the said city shall apply to the circuit judge of the circuit court of the fifth judicial circuit by petition, for the appointment of twelve jurors to view said premises, to determine whether it will be necessary to take the same for the purposes specified in said petition, and as hereinbefore provided; said petition shall be signed and verified by the mayor of said city, and shall con-

tain a description of the real estate or the land from which said dirt, stone, gravel or other material which said city seeks to acquire shall be taken, and that the same is necessary for the purposes of constructing, operating or repairing said bridge; the petition shall also state the names of the parties who are in possession of, or who own or have, or claim to own or have, an estate or interest of record in the said real estate. The petition shall be filed in the office of the clerk of the circuit court of the county in which the land is situated. A notice of the filing of such petition, and of the time when and place where the same will be presented, and application for the appointment of said jury made to said judge, referring by general description to the land to be taken, or from which the said dirt, gravel, stone or other material is to be taken, and addressed to the parties in possession, and the owners of said land as named in the petition, shall be personally served upon the said parties in possession and said owners, five days prior to the day of such application, and in case said owners cannot be found, the same shall be published in a newspaper published in the county where said land is situated, for one week prior to the day of such application.

SECTION 11. Upon presentation of said application and upon proof of publication or service of the notice hereinbefore required, the said judge shall thereupon appoint as jurors, twelve reputable freeholders, not residents of the said city, but residents of the county where said land is situated, and who are not interested in the result of said application. The said judge shall thereupon issue his precept directed to said jurors, requiring them within five days from the date thereof, to view said premises to be specified in said precept, and to make return to the common council whether in their judgment it is necessary to take said premises for the purposes specified in said application. If any juror so appointed shall be disqualified from acting or shall refuse to act at any time before the completion of their final award, the judge shall appoint others in their place, and a memorandum shall be endorsed on the precept.

Appointment of jurors to appraise value of lands.

SECTION 12. The said jurors, having first taken the oath hereinafter provided for, shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors,

Shall view premises.

and either of the jurors shall be authorized to administer the necessary oath to witnesses.

Shall make
report.

SECTION 13. After viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

Shall again
view premises
to estimate
damages.

SECTION 14. Should the jurors report that it is necessary to take such premises, the common council shall, if they approve such report, enter an order among their proceedings confirming said report, and directing the same jurors, within two days thereafter, or such further time as may be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

How buildings
estimated.

SECTION 15. If there should be any buildings standing in whole or in part upon the lands to be taken, the jurors, before proceeding to make their appraisal, shall first estimate and determine the whole value of the land, and secondly the value of such buildings to remove.

Notice to owners
of buildings

SECTION 16. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in the city, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intent to remove said buildings at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Sale of buildings,
on notice.

SECTION 17. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of

such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid out to the owner on his application therefor.

SECTION 18. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be benefited thereby. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Determination and appraisal of value of premises, and award of damages.

SECTION 19. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case, be collected of them or payable to them.

Balance of damages and benefits.

SECTION 20. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, or if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interest respectively for the proposed improvement.

Of different owners and of incumbrances.

SECTION 21. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto, from the proposed improve-

Shall apportion and assess the damages and expenses.

ment, as nearly as may be, and shall describe the real estate upon which their assessments may be made, and state the amount assessed upon each separate tract. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

Land not to be used till damages are paid.

SECTION 22. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case the said parties or agents cannot be found, or are unknown, deposited to their credit in some safe place of deposit to be determined by the common council, and then and not before, such lands may be taken and appropriated for the purpose required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Covenants, contracts, etc. to be void.

SECTION 23. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken by virtue of this act, all the covenants, contracts or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appeal, as herein provided, respectively cease and be absolutely discharged.

When only part of lot is taken, covenants as to the part not taken to remain valid.

SECTION 24. When only a part of a lot or tract of land, or other premises so under lease or other contract or incumbrance, shall be taken for the purposes aforesaid, such covenants, contracts or incumbrances shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account shall be so apportioned that the part thereof justly [due] of the same and equitably payable for such residue and no more shall be paid or recoverable for, or in respect of the same.

Limit of time for payment of damages.

SECTION 25. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so paid, shall be void. The benefits so assessed from the expiration of the time for appeal shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment, in the same

manner as other special assessments for city improvements are collected. The amount so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

SECTION 26. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court aforesaid may, upon the application of the common council, or such party by his next friend, appoint a guardian for such party; and all notices required by this act shall be served upon such guardian, in the same manner as if he were the party interested.

If lands are owned by infants, court may appoint guardians.

SECTION 27. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have the power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Jurors shall take oath.

SECTION 28. The city council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of the county in which said land is situated from the decision of said jurors, so far as it affects the interests of said appellants; notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court, in such manner as said court shall direct.

Any party in interest may appeal.

SECTION 29. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the common council, and founded therein, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk, under the direction of the mayor and common council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be cancelled in the same manner.

If damages and costs are increased, a new assessment shall be made.

Special meeting
may be held
upon a written
petition and no-
tice.

How meeting
conducted.

Form of ballot.

If majority is
"for the bridge,"
special meeting
for election of
bridge commis-
sioners may be
called.

SECTION 30. A special meeting shall be held in said city for the purpose mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners, and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections, and the vote shall be by ballot, upon which ballot shall be written or printed, "for the bridge," or "against the bridge," and if at such meeting, the greatest number of votes cast shall be "for the bridge," the rights and powers granted in and by this act to said city shall become absolute, and the said city shall be authorized and empowered to enforce the same.

SECTION 31. In case the greatest number of votes cast at the meeting hereinbefore provided for shall be "for the bridge," then a special meeting shall be held in said city for the purpose mentioned in section six of this act, upon a written petition to the clerk of said city signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners; and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 103.

[Published March 11, 1873.]

AN ACT to reduce the price of swamp and overflowed lands in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands are hereby authorized and required to reduce at once the price of all swamp and overflowed lands in the county of Columbia to the uniform price of fifty cents per acre: *provided*, the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

Shall reduce price of swamp and overflowed lands.

SECTION 2. All swamp and overflowed lands in said county of Columbia, which shall remain unsold on the first day of July, 1873, shall be conveyed by the commissioners of school and university lands to the several towns in said county in which the lands lie, for the purpose of aiding such towns in the construction of roads and bridges.

Shall be conveyed to towns.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 104.

[Published March 13, 1873.]

AN ACT to amend section one of chapter eighty five of the general laws of 1867, relating to elections and the return and canvass of votes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—
manner of mak-
ing canvass of
votes.

Shall make sep-
arate state-
ments.

SECTION 1. Section one of chapter eighty-five of the general laws of 1867 is hereby amended so as to read as follows : On the Tuesday next succeeding the election, or as soon after the election as all the returns are received, not later than the Tuesday above mentioned, the clerk of the board of supervisors shall take to his assistance two associate canvassers, who may be selected from the following named officers of the county, viz : the justices of the peace, the board of supervisors, the county judge and register of deeds, -who, together with said clerk, shall constitute a board of county canvassers, and shall proceed to open said returns and make an estimate and statement of the votes as follows : they shall make a separate statement, written and [out] in words at length, containing the whole number of votes given in such county for officers of governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent, state prison commissioner, and representative in congress ; the names of the persons to whom such votes were given, and the number of votes given to each ; another similar statement of the votes given for electors of president and vice president ; another of the votes given for senator, when the county alone does not constitute a senate district ; another of the votes given for member of assembly, when the county alone does not constitute an assembly district ; another of the votes given for county officers, and another of the votes given for senators and members of the assembly when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively : *provided*, that nothing in this act contained shall be construed to repeal or modify any part of chapter eighty-five of the general laws of 1867, as amended by chapter nineteen of the general laws of 1868.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 105.

[Published March 13, 1873.]

AN ACT to amend section one and section eight, and repeal section ten of chapter sixty-six of the general laws of 1870, entitled "an act to provide for the government and management of the Industrial School for Boys."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said chapter sixty-six shall be amended so as to read as follows: "The Wisconsin Industrial School for Boys, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of ten and sixteen years, who shall be legally committed to the said Wisconsin Industrial School for Boys, as vagrants, or on the conviction of any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment."

Amended—
shall be a place
of confinement
and instruction.

SECTION 2. Section eight of said chapter sixty-six shall be amended so as to read as follows: "The courts and several magistrates in any county in this state may, in their discretion, sentence to the Wisconsin Industrial School for Boys, any such male child who may be convicted before them as a vagrant, or of any petit larceny or misdemeanor, and the several courts may, in their discretion, send to the said Wisconsin Industrial School for Boys, any such male child who may be convicted before them of any offense which under the existing laws would be punishable by imprisonment in the state prison, and the said several courts may, in their discretion, commit to the said Wisconsin Industrial School for Boys, any male child within the ages specified in section one of this act, upon complaints and due proof made to said court or magistrate by the parents or guardian of such child, that by reason of incorrigible or vicious conduct, such child is beyond the control and power of such parents or guardian, and that a due regard for the morals and welfare of such

Amended—
jurisdiction of
the courts and
magistrates.

child manifestly required that he should be committed to the guardianship of the managers of the Wisconsin Industrial School for Boys: *provided*, in all cases, the terms of commitment shall not be less than to the age of twenty-one years.

Repealed.

SECTION 3. Section ten of said chapter sixty-six is hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 106.

[Published March 14, 1873.]

AN ACT to organize the county of Ashland for judicial purposes.

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

Organized for
judicial pur-
poses.

SECTION 1. On and after the first day of August, one thousand eight hundred and seventy-three, the county of Ashland shall be fully organized for judicial purposes, as well as for all county purposes, and shall no longer be attached to the county of Bayfield for judicial purposes.

Terms of court
fixed.

When petit jury
to be sum-
moned.

SECTION 2. After the organization of said county as above provided, there shall be two terms of the circuit court held therein in each year, at the following times, to wit: On the first Tuesday after the first Monday of January, and on the third Monday of July. But there shall be no petit jury drawn or summoned for the January term of the circuit court for the said county of Ashland: *provided*, the judge of the circuit of which said county is a part, may in his discretion by an order to be filed with the clerk of the circuit court of said county, at least thirty days before any such January term, direct the drawing and summoning of such jury for such term, and thereupon a jury shall be drawn and summoned accordingly, as provided by law in other cases.

Not to abridge
power of the
judge.

SECTION 3. Nothing contained in this act, nor in any act heretofore passed, relating specially to courts in the eleventh judicial circuit, shall be construed to abridge the power of the judge under any other law to direct the drawing and summoning of a grand jury, nor

of the court to issue a special venire in the cases provided by law.

SECTION 4. To make effectual the organization aforesaid, and to provide necessary county officers for the purposes thereof, until such officers can be duly elected, it is hereby made the duty of the governor to appoint for said county the following county officers, to-wit: A clerk of the circuit court, a district attorney and a sheriff, and any person who shall be so appointed to either of said offices shall duly qualify therefor, in the same manner as is provided by law in the case of appointment thereto to fill a vacancy, and shall enter upon the duties of his office on the said first day of August, 1878, or as soon thereafter as he shall have duly qualified, and shall hold his office until his successor to be elected for a full term at the next general election to be held on the first Tuesday after the first Monday of November shall be duly elected and qualified, and said appointments by the governor shall be deemed and construed as appointments to fill vacancies in office.

Clerk, attorney and sheriff to be appointed by the governor.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1878.

CHAPTER 107.

[Published March 14, 1878.]

AN ACT relating to the police court of the city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The police court of the city of Madison shall hereafter be called the municipal court of such city, and the police justice shall be known as the judge of said court.

Shall be styled municipal court.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court, to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

Its jurisdiction.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such

Power of the judge to sentence offenders.

offenses, the punishment for such offenses shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders when so convicted, to such punishment, either by fine or imprisonment in the county jail, or both such fine and imprisonment, in his discretion: *provided*, the same shall not exceed the punishment prescribed by the law under which such offenders shall have been tried and convicted.

Territorial
jurisdiction of
the court.

SECTION 4. The territorial jurisdiction of the said municipal court shall extend to all parts of the county of Dane, and the judge of said court shall have exclusive jurisdiction of all criminal offenses within the city of Madison, and to conduct all trials and examinations which may be instituted or prosecuted in said city, and the laws of the state providing for change of venue in criminal cases and examinations shall not apply to said municipal court.

Provisions of
charter to be
made applica-
ble.

SECTION 5. The provisions of the charter of the city of Madison, and all other laws of the state relating to the police court shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court, in both civil and criminal proceedings, shall be the same as is now provided for the police court, except as modified and enlarged by this act, and the judge of said court shall be allowed the same fees for his services as are now allowed by law to the police justice.

May provide a
seal, and its
use.

SECTION 6. The judge of said municipal court may provide a seal for said court, and all papers, depositions, certificates, acknowledgements, examinations or other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

All papers
issued by the
police justice to
be construed as
if by municipal
court.

SECTION 7. All summons, executions and other writs and process, both civil and criminal, issued by and in the name of the police justice, shall be construed to mean the municipal court, and the form of all such process and writs may be the same as heretofore used in the police court, unless others are provided, and no suit or proceeding shall be dismissed because issued by or in the name of the police justice.

May instruct
jury.

SECTION 8. In all criminal trials in said municipal court, and in all cases in which the city of Madison shall be a party, the judge thereof may instruct the jury (whenever a jury trial is had) upon matters of law in relation to the case.

SECTION 9. In case of the absence, sickness or disability of the judge of the said municipal court, the mayor of the city of Madison may, under his hand, appoint any suitable person who shall be an attorney of a court of record, to take the place of said judge during his absence, sickness or disability, and such appointee shall have all the powers of such judge while administering the said office.

In absence of judge, mayor may appoint substitute.

SECTION 10. No general or local act of the legislature heretofore passed, or which shall hereafter be enacted, shall be so construed as to change, alter, modify or repeal this act, or any provision of the charter of the city of Madison, or any act amendatory thereof, or any act relating to the city of Madison, unless the purpose to do so be expressly set forth in such general or local law, by naming in such altering or repealing act, that it is the intention of the legislature to have the same apply to the city of Madison.

Other acts not to repeal this act.

SECTION 11. The provisions of the charter of the city of Madison relating to the election of police justice shall apply to the election of the judge of the municipal court, and all the laws of this state relating to justices' courts shall be construed so as to apply to the municipal court of the city of Madison, so far as the said laws do not conflict with this act.

Provisions relating to election to apply.

SECTION 12. Appeals from the municipal court shall be made to the circuit court of Dane county, and the manner and form of taking such appeals may be the same as appeals from justices' courts.

Appeals to circuit court may be taken.

SECTION 13. Jury trials in said municipal court may be conducted in the same manner as in justice court until otherwise provided. The common council of the city of Madison may, by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court shall have the force and effect of law. Any juror, when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of contempt, and shall be fined in a sum of not less than two nor more than ten dollars; and appeals from said court shall be allowed in all cases tried in said court under the laws of this state, whenever appeals are allowed from justices' courts.

Relating to jury trials and the drawing of jurors.

SECTION 14. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

Not to affect circuit court.

SECTION 15. This act shall take effect and be in force from and after its passage.

SECTION 16. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1878.

CHAPTER 108.

[Published March 18, 1878.]

AN ACT to provide for the payment of the state agent for the settlement of war claims against the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. The treasurer shall pay upon the warrant of the secretary of state, to William W. Tredway, the sum of fifty dollars, in full for his services in obtaining the allowance of war claims in favor of this state, at the United States treasury, since the 1st day of June, A. D. 1871.

SECTION 2. There is hereby appropriated the sum of fifty dollars for the above mentioned purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 109.

[Published March 18, 1878.]

AN ACT relating to the furnishing of certain statistics of crime.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall make annual report of convictions.

SECTION 1. It shall be the duty of the clerks of all courts throughout the state having criminal jurisdiction, at the close of each year, to make out and transmit to the governor, an annual report of the number of convictions by juries of criminal offenses in their respective courts during such year, as well as of those when the accused pleaded guilty, together with such other information upon the subject of crimes in the state as the governor shall require.

SECTION 2. Each clerk shall be entitled to receive from the state, for and on account of such report named in the preceding section, and in full compensation for such service, ten cents per folio, for each folio, such amount to be paid by the state treasurer, upon the certificate of the governor of the amount to which such clerk shall be entitled for said services.

Pay of clerk for making report.

SECTION 3. If any clerk referred to in section one of this act shall neglect or refuse to make out and transmit to the governor, at the time and in the manner aforesaid, the report referred to in said section, he shall be deemed guilty of a misdemeanor, and shall be liable to a fine of ten dollars, and costs of collection for each and every such offense, and it shall be the duty of the governor, in every case where such statement shall not be received at his office, from any clerk as aforesaid, on or before the fifteenth day of January in each year, to notify the district attorney of the county in which such clerk resides, of the delinquency of said clerk, and it shall be the duty of said attorney on receiving such notice from the governor, to demand of such delinquent clerk the penalty herein provided, and in case of refusal to pay such penalty, said attorney shall proceed to collect the same by coercion, with costs and fees as in other criminal cases. In case of the prosecution of any clerk as herein provided, the certificate of the governor under seal of his office shall be *prima facie* evidence of delinquency on the part of the clerk, and consequent liability for the penalty provided herein.

Penalty for neglect or refusal to report.

Governor to notify district attorney of delinquency of clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 110.

[Published March 13, 1873.]

AN ACT to amend an act entitled "an act to prevent the spread of noxious weeds," section two, chapter two hundred and six, general laws of 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and six of the general laws of 1861 is hereby amended by adding the following words to said section: "And

Amended—amount be paid to pathmaster and assessed on property.

the said board of supervisors are hereby authorized to have said amount paid to said pathmaster, on his affidavit, if said board deem it just and equitable; and further to have said amount placed on the tax roll against such lands whereon such weeds have been destroyed, and to be collected the same as ordinary taxes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 111.

[Published March 13, 1873.]

AN ACT to amend section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
homestead of
deceased not
exempt from
mortgage lien,
if no other es-
tate sufficient
to satisfy the
same.

SECTION 1. Section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians," is hereby amended by adding thereto as follows: "*and provided, further,* that where there shall exist a valid mortgage, or other indebtedness which shall be a lien upon the homestead of the deceased, and which mortgage or lien shall be unpaid and unsatisfied, and there shall not be sufficient real or personal estate in the possession of the executor or administrator to pay and discharge such mortgage or lien, and it shall appear to the satisfaction of the court that it is necessary to sell a portion or the whole of such homestead to pay and satisfy such mortgage or lien, then such homestead shall not be exempted from license and sale under the provisions of said chapter ninety-four. In all cases to which this proviso applies, the proceeds of such sale, after the payment of the mortgage or other lien, and expenses of administration, shall be invested, under the direction of the county judge, for the benefit of the family of the deceased, or shall be used in the purchase of another homestead, if such proceeds shall be

sufficient for that purpose, in the discretion and under the direction and order of said judge, which investment or homestead shall, in all respects, stand in the place and instead of the original homestead. And in cases where there is no family of the deceased, such proceeds shall be distributed according to law; but in no case whatever shall such proceeds be liable for the debts of the deceased, other than the mortgage debt or lien on such homestead.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 112.

[Published March 13, 1873.]

AN ACT to provide for laying out and establishing a state road from the village of Embarrass, in Waupaca county, and terminating at the county road in Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John Palmer, Paul Greeley and A. McKee are hereby appointed to lay out and establish a state road commencing in the village of Embarrass, in Waupaca county, on section five (5), town twenty-five (25), range fifteen (15) east, and running therein in a southeasterly direction, crossing the Wolf river on or near the south line of section four (4), town twenty-four (24), range sixteen (16) east, and terminating at the county road on or near the north line of section sixteen (16), town twenty-four (24) north, range seventeen (17) in Outagamie county.

Commissioners
and route of
road.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road shall pass: *provided*, that no part of said expense shall be paid out of the state treasury.

Majority of
commissioners
may proceed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 113.

[Published March 13, 1873.]

AN ACT to prevent frauds in the sale of personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Copies of contracts or agreements to be filed with town clerk.

SECTION 1. No contract or agreement for the sale of personal property, by the terms of which the title or right of property is to remain in the vendor, and the possession thereof in the vendee, until the purchase price is paid, or other conditions of sale are complied with, shall be valid against any other person than the parties thereto, unless such contract or agreement shall be reduced to writing, and the same or a copy thereof shall be filed in the office of the town clerk of the town where said vendee resides, or if he shall not be a resident of the state, then in the town where such contract or agreement is made, and such town clerk shall file such contract or agreement in the same manner, and shall receive the same compensation therefor as is provided by law for filing chattel mortgages: *provided*, that the effect of such filing shall not extend beyond one year from maturity of the contract price, or consideration therein reserved.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 114.

[Published March 20, 1873.]

AN ACT to amend chapter one hundred and sixty-seven of the general laws of 1867, entitled an act to amend chapter fifteen of the revised statutes, so far as it relates to permanent landmarks.

The people of the state Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter one hundred and sixty-seven of the general laws of 1867, entitled an act to amend chapter fifteen of the revised statutes,

so far as relates to permanent landmarks, is hereby amended so as to read as follows:

SECTION 2. Supervisors shall have authority, when Shall have section corners located. the section corners upon the public highways cannot be identified, to have such corners located by a competent surveyor, and after such survey, it shall be the duty of said supervisors to erect, or have erected on such section corners, landmarks similar to those provided for in this act.

SECTION 3. Whenever a majority of all the votes Shall procure durable monuments—their dimensions, how set and inscribed. cast at such election shall be in favor of the erection of permanent land marks, it shall be the duty of the supervisors of such town to procure at the expense of said town, a sufficient number of monuments of stone or some other durable material, not less than three feet in length and six inches square, and to make a contract with the county surveyor, or any competent surveyor, for the survey of all the sections of said town, and for the erection of said monuments, one at each section corner, and one at each external quarter section in said town; said monuments to be set two and a half feet in the ground, except in cases where they shall be set in the center of highways, and in that case the top shall be even with or below the surface of the ground; and at the option of said board of supervisors, either such monuments as shall be set at the corner of sections, shall have engraved upon them, in cyphers, the number of each section for which such monument forms a land mark, and those which shall be set for quarter posts shall have engraved on them, "1-4 S.," or the top of said monument shall be dressed so that it shall be square and as nearly as practicable perpendicular to the sides, and a cross formed by lines connecting the corners of said top, shall be engraved upon said top.

SECTION 4. So much of any act as contravenes the provisions of this act is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1878.

CHAPTER 115.

AN ACT to revive the Chippewa Falls Cemetery Association, and to authorize the election of officers thereof, and to legalize the acts of said association.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Revived—may
call meeting to
elect officers.

SECTION 1. The Chippewa Falls Cemetery Association is hereby revived, and the secretary of said association, Z. C. Stanley, is hereby authorized to call a meeting of said association for the election of trustees and other officers thereof, and the officers so elected shall be and are hereby declared to be authorized to perform all the duties imposed on them by the said articles of association, with full power and intent as if elected at the time of the annual meeting or according to said articles of association.

How notice to
be given.

SECTION 2. The said secretary shall give notice of such meeting for the election of officers as provided in section one of this act, by publication thereof in the Chippewa Herald, a paper published in Chippewa Falls, for one week.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 116.

[Published March 13, 1873.]

AN ACT to provide for evidence of service and fees in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certificate of
officer to be evi-
dence of service
of notice of
object of suit.

SECTION 1. In all civil actions when an officer shall serve with the summons the complaint, or a notice of the object of the writ, mentioned in section five of chapter one hundred and twenty-four of the revised statutes, the certificate of such officer of the service thereof shall be evidence thereof, and of and to the

the same effect as his certificate of the service of a summons, and may be included in his certificate of the service of the summons.

SECTION 2. When an officer shall serve an order or notice to appear and answer, made or issued under and in pursuance of sections eighty-eight, ninety-one and ninety-three of chapter one hundred and thirty-four of the revised statutes, or of any act amendatory thereof, or shall serve any summons or notice in any garnishee proceedings, and any papers required by law to be served with writ, order, summons or notice, the certificate of such officer of the service thereof shall be evidence thereof, and of and to the same force and effect, as his certificate of the service of a summons or other process of court; and he shall be entitled to the same fees for service and travel in serving the same as is by law allowed for the service of a summons, and the same shall be taxable and allowable in the costs of suit or proceedings, as other taxable costs, except as hereinafter otherwise provided.

Also of notice to appear, or in garnishee proceedings.

Officers fees.]

SECTION 3. If in any civil action an officer shall serve or execute any order of arrest, writ of attachment, writ or requisition for the delivery of personal property, writ of *ne exeat*, injunction or injunctive order, or any summons, notice, order or paper, mentioned in section two of this act, he shall not be entitled to any mileage for service, or for service aside from copies (excepting other fees and charges allowed by law), if he receives the same for service or execution, at the same time he receives the summons for service, or serves or executes the same at the same time; but if such officer, in serving or executing the same, shall necessarily be compelled to travel more miles than he is entitled to charge for the service or attempted service of the summons in the action, then he shall be entitled to charge for such additional travel.

When officer is entitled to mileage.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 117.

AN ACT to legalize the transfer of the property of the "Evansville Cemetery Association" to the village of Evansville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer of
property and
franchises
legalized.

SECTION 1. The deed of transfer executed and delivered by the "Evansville Cemetery Association" to the "village of Evansville," in Rock county, bearing date February 4th, A. D. 1873, and accepted and approved by resolution of the board of trustees of the said village the same day, is hereby declared legal and valid, and to operate as a complete transfer of all the property and franchises of said cemetery association to the said village of Evansville. And the said village shall have and exercise the absolute ownership and possession of the said cemetery grounds, property and franchises, and manage and control the same in as full and ample a manner, and to the same extent, as if said cemetery had been originally owned, laid out and platted by the said village of Evansville, under and by virtue of its chartered powers. And the said "Evansville Cemetery Association" is hereby dissolved.

Association
dissolved.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 118.

[Published March 14, 1873.]

AN ACT to appropriate a sum of money therein named, for the use of the Soldiers' Orphans' Home, for the payment of current expenses from April 1st, 1873, to February 1st, 1874, and for improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty-two thousand dollars, for the use of the Soldiers' Orphans' Home, in full for the following purposes, viz: For current expenses from April

first, 1878, to February first, 1874, twenty thousand dollars; for painting and repairs, two thousand dollars.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance. ^{To be drawn only quarterly.}

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved March 11, 1873.

CHAPTER 119.

AN ACT to change the time of the annual meeting of the stockholders of the Hekla Fire Insurance Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual meeting of the stockholders of the Hekla Fire Insurance Company shall hereafter be held on the second Wednesday in January of each year, instead of on the first Monday in January. ^{Time of annual meeting changed.}

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 120.

[Published March 27, 1873.]

AN ACT to amend chapter one hundred and twelve of the general laws of the year 1859, entitled an act to amend chapter one hundred and twenty of the revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and twelve of the general laws of the year 1859 is hereby amended so as to be and read as follows: If at the expiration of the time for appeal, the appeal has ^{Amended—property not to be delivered.}

been perfected, and the successful party has not filed with the justice his recognizance, as provided in the next preceding section, then such property shall not be delivered to the successful party.

Property to be delivered to appellant on his filing undertaking.

SECTION 2. In case an appeal has been taken, and the successful party has not, before the expiration of the time for taking such appeal, entered into and filed with the justice the recognizance required of him to entitle him to the delivery of such property, then the appellant shall be entitled to have such property delivered to him if he shall, within five days after the expiration of the time for taking such appeal, enter into and file with the justice an undertaking, with one or more sureties, to the opposite party, to the effect that if judgment be rendered by the appellate court against the appellant, he will pay such judgment, together with all damages, costs and disbursements recovered against him, and that he will abide by such other or further order or judgment as the appellate court may make in the premises; and upon the filing by the appellant such undertaking within the time aforesaid, the justice shall enter an order in his docket requiring the officer who has the custody of such property to deliver the same to the appellant, and upon the service of a copy of such order on such officer, he shall deliver such property to the appellant, and thereupon all liability of such officer shall cease and determine. And in case the appellee and appellant shall each fail to file with the justice the security aforesaid within the time provided, then such property shall remain in the custody of the officer who seized the same, subject to the order of the appellate court.

When officer to retain custody of property.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 121.

AN ACT to legalize the official acts of Leopold Wachenheimer, a notary public in the county of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Leopold Wachenheimer, of the county of La Crosse, having been duly commissioned by the governor of the state of Wisconsin as notary public, by commission bearing date December 27th, 1869, and which expired December 27th, 1871, and having by mistake continued to act as such notary until September, 23d, 1872, before discovering that his said commission had expired, all the official acts of the said Leopold Wachenheimer as notary public from December 27th, 1871, to September 23d, 1872, are hereby legalized and made valid to all intents and purposes, as though said Wachenheimer had been duly commissioned and appointed as such notary public during said last named period. Acts as notary legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 122.

[Published March 14, 1873.]

AN ACT to appropriate to persons therein named certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to J. H. Waggoner, for services as secretary of the state board of equalization for the year 1872, the sum of fifty dollars; and to W. J. Force, for services as clerk of a committee of said board, the sum of twenty dollars; and to Charles H. Young, for services as messenger of said board, the sum of nine dollars. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 123.

[Published March 14, 1873.]

AN ACT to authorize boards of trustees of incorporated villages to build or repair sidewalks and gutters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax to build or repair sidewalks and gutters.

SECTION 1. Whenever the board of trustees of any village incorporated under any general or special law of this state, shall determine to build or repair any sidewalk or gutter in any street, highway or alley of said village, said board of trustees may levy and cause to be collected, such sum or sums as they may estimate to be necessary for that purpose, by tax against the owners of the lots, pieces or tracts of land bounding that side of the street where said sidewalk or gutter is ordered to be built or repaired. Such part of the tax necessary to build or repair said sidewalk or gutter shall be assessed against each of the owners of the lots, pieces or tracts of land along the line of said sidewalk or gutter, and bounding the same, as shall be sufficient to construct or repair said sidewalk or gutter along and contiguous to the respective lots, pieces or tracts of land of said owners. In case any such tax shall prove insufficient to pay the expenses of building or repairing any such sidewalk or gutter, said board of trustees shall have power to levy and collect such deficiency in the same manner as the original tax was levied and collected.

Shall deliver list of property holders to street commissioner—he shall give notice.

SECTION 2. Whenever the board of trustees shall levy any tax for the purpose of building or repairing any sidewalk or gutter, they shall make out and deliver to the street commissioner of such village a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said village, if there be one, or by posting up notices in three or more public places in such village, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, at such time and place as may be required by the said street

commissioner, pay their taxes in labor or materials: *provided*, the labor or materials offered in payment for such taxes are such as may be required by the said street commissioner.

SECTION 3. At the expiration of forty days from the date of said notice given by the said street commissioner, he shall make out and deliver to the clerk of the town in which such village is situated, a certified list of the lots, pieces or tracts of land in said village, upon which any such sidewalk or gutter tax remains unpaid, with the amount of such delinquent tax upon each of said lots, pieces or parcels of land; and if such list shall be returned to said town clerk before the completion of the assessment roll of said town for the same year, the said clerk shall add said delinquent sidewalk or gutter taxes to said assessment roll, opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent sidewalk or gutter taxes shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the assessment roll, and before the town treasurer's return of delinquent taxes, he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said sidewalk or gutter taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid, for such delinquent taxes, in the same manner as lands are sold for other delinquent taxes; and all subsequent proceedings in relation thereto shall be the same in all respects as in the case of lands sold for other delinquent taxes.

Shall make out certified list of lots, with amount of delinquent tax.

Treasurer to collect delinquent tax.

SECTION 4. Every town treasurer or county treasurer who shall collect or receive any money on account of such sidewalk or gutter taxes shall pay the same to the treasurer of the proper village, and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

Town and county treasurers to pay over to village treasurer.

SECTION 5. Whenever any street commissioner shall have returned any lots, pieces or parcels of land for delinquent sidewalk or gutter taxes, as herein provided, the board of trustees of such village shall be authorized to build or repair such sidewalk or gutter at the expense of said village: *provided*, nothing in this section shall be construed to release said land or the owner thereof from the lien and payment of such delinquent sidewalk or gutter tax.

If owners are delinquent, trustees may build or repair.

Different mode
may be fol-
lowed.

SECTION 6. When the law under which a *ny village* is incorporated contains a different mode of procedure from the one herein prescribed, the same may be followed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 124.

[Published March 14, 1873.]

AN ACT to appropriate to Thomas Kopff a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated to Thomas Kopff, out of any money in the state treasury not otherwise appropriated, the sum of three hundred and thirty-nine dollars, being payment in full for services rendered by him as assistant surgeon, 3d Wisconsin volunteers, from December 15th, 1864, to March 26th, 1865.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 125.

[Published March 18, 1873.]

AN ACT to provide for auditing and paying the accounts of the clerk of the supreme court for fees in criminal and state cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May audit
clerk's account.

SECTION 1. The secretary of state is hereby required to audit the account of the clerk of the supreme court of this state annually, in the month of December,

for all fees to which he may be entitled by law in criminal and state cases, said accounts to be accompanied by an itemized bill of costs in each case, and taxed by one of the justices of the supreme court.

SECTION 2. There is hereby annually appropriated Appropriated. out of any money in the state treasury not otherwise appropriated, a sufficient sum to pay the amount of the account mentioned in the first section of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 126.

AN ACT to authorize the Stevens Point Boom Company to maintain piers and booms in the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Stevens Point Boom Company, as May construct piers and booms. now organized, under the general laws of this state, in perpetual succession, and its assigns, are hereby authorized and empowered to construct, build and maintain a system of piers and booms in, along and across the Wisconsin river, from a point in section thirty-two, in township twenty-four north, of range eight east, to the north line of township twenty-four north, of range seven east, at the points indicated in the articles of association of said company now on file in the office of the secretary of state, for the booming and storing of sawlogs, square and round timber, shingle bolts and other timber.

SECTION 2. That to successfully carry out the May acquire title to lands contiguous to river. object of said company and this grant, said company is authorized to acquire the title to lands upon and contiguous to said river, within the limits of its proposed line of piers and booms, either by purchase, lease or license, and thereon upon the bank to erect such piers and land booms as said company may determine for the purpose of booming and storing logs.

SECTION 3. When land necessary to be used by May apply for appointment of commissioners to condemn land. said company cannot be purchased or leased, and no right of entry thereon can be obtained, the company may apply to the circuit judge of Portage county for

Notice of affidavit to be served.

Notice of inspection of premises to be given.

When amount of award is paid or deposited, land may be used.

the appointment of commissioners to view, inspect, appraise and condemn such land, or so much thereof as may be by the company claimed as necessary for its use: *provided*, that notice of such application shall be served personally upon the parties interested, at least six days prior to such hearing, or if not personally served, then by publishing said notice of application for two successive weeks in a newspaper published in the city of Stevens Point, Wisconsin, the last publication to be at least six days prior to such hearing; and in their application to the circuit judge, they shall specify what lands are necessary for the use of the company, and if on such application the circuit judge shall deem any of such lands necessary for the use of the company in the construction of their system of piers and booms, he shall thereupon appoint three disinterested persons to act as such commissioners; and in their appraisal and award, said commissioners shall designate the amount necessary for the use of the company in acres, and its width and length, and the value thereof, and injury the rest sustains, if any, by such taking, and shall file their award within twenty days after making the same in the office of the clerk of the circuit court of Portage county: *provided*, no appraisal or award shall be made unless the owner of such land shall have had at least ten days personal service of the notice of the time when the commissioners shall make their inspection of the premises, an appraisal and award, and if no personal service can be had, then only after a notice of such inspection, appraisal and award shall have been published at least three successive weeks in a newspaper published in said county.

SECTION 4. Whenever the company shall pay to the owner of the land condemned, or deposit the amount of the award with the clerk of said court, it may then enter upon said land, remove the soil, dig stone, construct canals, and build piers, and locate and hang booms thereon: *provided, however*, that any person claiming an interest in said land may, at any time within thirty days after filing of the award, appeal therefrom by filing a notice of such appeal with the clerk of the circuit court, and serving a copy thereof on any of the officers of said company, and thereupon the clerk shall enter the cause upon his docket, and the same proceedings shall be had thereon in the circuit court as in an action of law originally brought therein.

SECTION 5. The company are hereby authorized to enter upon all sloughs, bayous, arms and branches of said river, and to improve the same for holding and storing logs, and cut a canal along such sloughs, across the bend of the river on sections fourteen, twenty-three, twenty-four, twenty-five, and twenty-six, in township twenty-four, range seven east, in Portage county, for the purpose of storing logs, and to facilitate the navigation of rafts, barges, boats, logs and timber or other property passing along said river: *provided, always*, that a free and easy passage be by said company at all times preserved or constructed so that the navigation be not impeded or hindered for rafts, boats, barges, logs and timber, or other property, floating or running on the waters of said river.

May cut canals through sloughs and bayous.

Navigation not to be obstructed.

SECTION 6. A free and easy passage for rafts, boats, barges, logs and lumber, of at least eighty feet shall be by said company maintained in the main Wisconsin river, until such time as Benjamin Single, Jr., C. Clark, of Marathon county, and John Finch, of Portage county, or any two of them, shall make and file with the clerk of the circuit court of Portage county, their certificate that the said slough, known as the Bessie slough, has been so improved as to admit of the free and easy passage for rafts, boats, barges, logs and lumber, or property floating or running on the waters of said river.

Free and easy passage to be maintained.

SECTION 7. Said company is hereby authorized to purchase, hold, use and enjoy any charter heretofore granted, authorizing the construction of piers and booms in said river between the points herein specified.

May purchase any former charter.

SECTION 8. Any person who shall unlawfully injure or destroy any of the piers, booms or other works, or open the boom of said company, shall be liable in treble the amount of the actual damages, to be by the company recovered by an action at law.

Penalty for injury to booms.

SECTION 9. This act shall be held to be a public act of the state of Wisconsin, and shall be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 127.

[Published March 14, 1873.]

AN ACT to change the time of holding the fall term of the circuit court in Marathon county, and to re-establish the time of holding the fall term of the circuit court in Adams county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of holding
term changed.

SECTION 1. The time of holding the fall term of the circuit court in the county of Marathon, in the seventh judicial circuit, is hereby changed from the third Monday in October to the third Monday in September, in each year. And the time of holding the fall term of the circuit court in Adams county, in the seventh judicial circuit, is hereby re-established as fixed by section one, chapter one hundred and forty-three, general laws of 1870.

Change not to
affect return of
writs, etc.

SECTION 2. All writs, recognizances and other proceedings made returnable to the circuit court of the said counties, shall be considered and deemed to be returnable to the terms of said court as fixed by this act. And all continuances and notices made or taken to the terms of the circuit court for said counties shall be deemed to be made or taken to the terms of said court as the same are fixed by this act. And all motions and other proceedings noticed to be heard at the regular term or terms of said court shall be allowed and considered to be noticed for the hearing at the regular term or terms of said court as fixed by this act.

SECTION 3. All acts now in force, and parts of acts, conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 128.

[Published March 14, 1873.]

AN ACT to repeal chapter two hundred and ninety-one of private and local laws of 1871, entitled an act to prohibit poisoning dogs in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and ninety-one of private and local laws of 1871, entitled "an act to prohibit poisoning dogs in the city of Milwaukee," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 129.

[Published March 15, 1873.]

AN ACT to amend act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever the board of public works of the city of Milwaukee shall be ordered by the common council of the said city to make any assessment of damages and benefits, as now required by law, it shall be the duty of the said board of public works, after such assessment shall be made, and before the same shall be reported by the said board to the said common council, to give public notice of not less than six days in the official papers of the said city, that such assessment has been made, and that the same will be open for review and correction by the said board of public works, at the office of the said board, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each lay day, and that all persons interested will be heard by the said

Shall give notice of assessment of damages and benefits

board of public works in objections to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has been made for, and what locality.

Shall hear all objections, may correct assessment and shall make report.

SECTION 2. During the time specified in the next mentioned in the last preceding section, it shall be the duty of the said board of public works to hear all persons interested in the property assessed, or other persons personally interested in such assessment, in making objections to any part of such assessment, and all evidence which may be produced in support of such objections, and the said board of public works shall thereupon have power to review, modify and correct such assessment, in such manner as they shall deem just, at any time during such review and for three days thereafter, and thereupon it shall be the duty of the said board of public works to make a report of such assessments to the said common council, as now provided by law.

City clerk shall give notice of report of assessment.

SECTION 3. After the said board of public works shall have so reported any such assessment, it shall be the duty of the city clerk of the said city to give a public notice of not less than six days, in the official papers of the said city, that such assessment has been so reported. It shall be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality. The said common council shall not have power, finally, to act upon such report for ten days after the first publication of the notice mentioned in this section. After the expiration of such ten days last mentioned, the said common council shall have power to confirm such assessment as so reported by the said board of public works, or to correct the same, or to refer the same back to the said board of public works. If so referred back to the said board of public works, the said board shall give the like notice and proceed in the same manner as provided in this act upon their first making such assessment; and in such case, when the said board of public works shall have again reported such assessment to the said common council, the like proceedings shall be had thereupon as when the same was first reported to the said common council.

After ten days, council may confirm report.

Property holders shall have right to appeal.

SECTION 4. All persons owning or having any interest in any property affected by such assessment, shall, within ten days after the first publication of notice by the city clerk of the said city that such assessment has been reported to the common council,

have a right to appeal therefrom to the said common council, and have the same right of appeal now provided by law from the said common council to the circuit court of Milwaukee county. But no such appeal to the said common council shall be taken after the expiration of ten days, as provided in this section. And in all cases of assessment hereafter to be made, such right of appeal to the said common council, and from the said common council to the said circuit court, shall be the only remedy for damages sustained by the proceedings or acts of the said city or its officers in the matter to which such assessment relates; and no action at law shall be maintained for injuries sustained by the proceeding or action of the said city or its officers in the matter to which any such assessment hereafter made relates, whether such action be founded on section eighteen of chapter ten of the act mentioned in the title mentioned in this act and hereby amended, or otherwise.

Appeal the only
remedy for dam-
ages.

SECTION 5. In all cases in which the grade of a street has been ordered to be changed, and has been actually changed, since the 20th day of February, 1852, being the day of the passage of the act hereby amended, and the said common council shall hereafter order the grade of such street to be again actually changed, an assessment of benefits and damages shall be thereupon made as in other cases of grading streets, and all the several provisions of law relating to assessments for grading streets, in other cases shall apply to the assessment for grading such street as first mentioned in this section, and to the benefits and damages of such grading; and the damages, costs and charges mentioned in section eighteen of chapter ten of the act hereby amended, shall be included in such assessment.

Proceedings for
change of grade
same as for new
grade.

SECTION 6. Whenever the said common council, with the concurrence of three-fourths of the members elected to each board thereof, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by the charter of the said city, or to grade or otherwise improve any street, the said common council shall have power to open such public street, and to take land for such public purpose; and to grade and otherwise to improve such street, as the case may be, without any petition therefor, proceeding thereafter in that behalf as in cases of petition therefor duly made. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed, and no such resolution

Power to open
public street by
resolution of
council.

What resolu-
tion shall de-
clare and how
passed.

shall be passed by either board of the said common council at the same meeting in which it is first considered, but shall lie over to a future meeting of such board. And the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of each board.

Provisions to apply to school house sites.

SECTION 7. All provisions of law authorizing proceedings to be taken by the said city for the taking of land for public purposes, shall apply to land for the sites of school buildings and for the premises to be attached to such buildings.

If court is not in session on the day fixed in the notice, said notice may stand over.

SECTION 8. Whenever notice shall be given of application to the circuit or county court of Milwaukee county as provided in section three of chapter one hundred and two of the private and local acts of 1872, for the appointment of a jury, and the court to which such application is to be made shall not be in session, or there shall be no panel of jurors in attendance on such court, on the day named in such notice for such application, then such application shall stand over until the next day in the same or other term of such court, when such court shall be in session, and a panel of jurors shall be in attendance therein when such application may be made and such jury appointed, with the same effect as if the same were done on the day mentioned in such notice.

Petitioners shall give brief description of property, and swear to ownership.

SECTION 9. Whenever a petition shall be presented to the common council for work chargeable to property fronting or abutting thereon, each person signing such petition as the owner of the property shall be required to write after his signature thereto a brief description of the property so owned by him, and annex thereto an affidavit that he owns the same, and thereupon he shall be taken to be the owner thereof and such petition shall be as valid and have the same effect as if such person were the owner thereof although in fact it should thereafter appear that he was not such owner.

May re-assess to pay royalty for use of any patent or patented article.

SECTION 10. Whenever the said board of public works shall have let, or shall hereafter let, any contract, or do any work chargeable to lots or lands in said city, to be done with the use of any patent or patented article, in pursuance of section ten of chapter three hundred and sixty of the private and local laws of the year 1871, and have omitted, or shall omit, at the time of making the assessment for such work against property chargeable therewith, to make an assessment and issue a separate certificate against such property for the sum or royalty chargeable for the use of such patent or patented article, in pursuance of the provisions of

the section last mentioned, the said board of public works shall have power, and it shall be their duty, to make such assessment for the sum or royalty chargeable for the use of such patent or patented article as soon as may be thereafter, and include the same in a separate certificate of such special assessment for the use of the said city, and such assessment and certificate shall be as binding and have the same effect, when so subsequently made, as if the same had been made at the same time as the assessment for the contract price of doing such work.

SECTION 11. All assessments hereafter to be made for the construction of sewers shall be made against all lots, parts of lots and parcels of land fronting or abutting on the sewer, on each side of the same, which have not been before so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lots or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership or use, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership or use, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the double street line of such corner lots or corner subdivisions thereof, to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof; or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable: *provided, however*, that when the actual cost of any sewer shall be less than eighty cents per lineal foot of the lots, parts of lots and parcels of land, on both sides thereof, then and in that case the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon, on each side thereof.

How assessments for sewers may be made.

SECTION 12. Power is hereby given to the said common council to declare the weed commonly called the Canada thistle, and other noxious plants and weeds, on lots, parts of lots and lands in the said city, a public nuisance and to proceed to abate the same as the said city is authorized by law to abate other nuisances; and the board of public works of the said city, under the direction of the common council, shall have power to make contracts for the removal of Canada thistles and other noxious plants and weeds from streets and alleys in any ward of the said city, the cost thereof to be chargeable to the ward fund of the proper ward.

Noxious weeds to be declared a public nuisance

Police force.

SECTION 13. The police force of the said city shall hereafter consist of one chief, two lieutenants, not less than four nor more than six detectives, and not less than fifty-one nor more than fifty-three patrolmen, so that the whole police force shall not exceed sixty men.

May provide for licensing dogs, and for their destruction.

SECTION 14. The common council of the said city shall have power, by ordinance, to provide for the licensing and keeping of dogs in the said city, at a sum of not less than one dollar, nor more than ten dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed, by any means, except by shooting, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

May construct draw-bridge and levy tax to pay for the same.

SECTION 15. The common council of the city of Milwaukee are hereby authorized and empowered to construct and maintain a draw or swing bridge over and across the Kinnickinnic river at the foot of Clinton street, in the twelfth ward of the city of Milwaukee, and when constructed said bridge shall be under the control and management of said city in the same manner as other bridges in said city. The common council of said city of Milwaukee shall levy and raise by taxation upon all the taxable real and personal property within said city for the year 1873, a sum of money not to exceed the sum of sixteen thousand dollars, for the purpose of paying for the construction of said bridge, and the approaches and other incidental expenditures relating thereto, such tax to be levied and collected in the same manner and at the same time as other taxes are levied and collected by law in said city.

How damages to be paid for lands taken for water mains.

SECTION 16. If the land or any part thereof, taken or to be taken by the board of water commissioners of the said city, in the name of the said city, for the purpose of laying their water main between Fifth avenue and the Milwaukee river in the first ward of the said city and between the Milwaukee river and Fourth street, in the sixth ward of the said city, shall be thereafter taken for a public street or streets, the damages for taking the same shall be assessed in the same manner and against the same lots and lands, and paid as if the lands so taken belonged to a private person, and shall be paid, when collected by the said city, to the water fund of the said city. And when the street or streets for which the same shall be so taken shall be graded, the

How assessment for grading to be made.

work which shall have been done by the said board of water commissioners in grading the same, and in building culverts thereon, shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected by the said city, to the water fund of said city. And when any of the said work so done or to be done by the said board of water commissioners between the points, and for the purpose in this section before mentioned, shall have been done upon any of the present public streets of the said city, and such streets, or any of them, shall thereafter be ordered to be graded by the said common council, such work shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as a part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected, by the said city, to the water fund of the said city.

SECTION 17. Registered water bonds for sums of five thousand dollars, and one thousand dollars, and five hundred dollars respectively, may be authorized by the common council of the said city, in pursuance of the power granted to issue bonds by section one of chapter four hundred and six of the private and local laws of 1871, and the acts amendatory thereof. Water bonds may be issued.

SECTION 18. The common council of the said city shall have power to construct and maintain a swing bridge across the Milwaukee river at the western end of either Buffalo or Chicago streets, in the third ward in the said city, as the said common council shall elect and determine: *provided, however,* that no contract shall be made, and no tax shall be levied in the year 1878, for the construction of such bridge except for the center pier thereof. May construct swing bridge.

SECTION 19. The common council of the said city shall have power, at an expense not exceeding one thousand dollars, to build a stationary bridge across the canal in the Menomonee valley, built by Edward D. Holton, and commonly called Holton's canal, as and for the continuation of Canal street across the said May build stationary bridge.

canal, or to fill and dock Canal street across the said canal, as the said common council shall elect.

Shall make survey and fix dock lines on the Kinnickinnic.

Survey and plat to be recorded.

SECTION 20. The channel of the Kinnickinnic river, from its entrance into the Milwaukee river to the south line of the said city, is hereby fixed and determined not to exceed two hundred feet in width. It shall be the duty of the board of public works of the said city, as soon as practicable after the passage of this act, to cause to be made a survey and plat of the said Kinnickinnic river, establishing and re-establishing the dock lines thereof so as not to exceed two hundred feet in width, from its mouth to the south line of the said city. Such survey shall describe the channel and dock lines of the said river, the depth of water therein, and the length and location of docks already built on the dock lines so established and re-established, and shall contain all other things necessary fully to describe and determine the water channel of the said river and the dock lines thereof. Thereupon it shall be the duty of the said board of public works to report such survey and plat of the said river to the common council of the said city for consideration. Thereupon the said common council shall have power to approve of such survey and plat, or to modify and change the same, and to adopt and establish such survey and plat, so reported or so modified and changed by ordinance. And if the said common council shall so adopt and establish such survey and plat, it shall be the duty of the city clerk to cause the same to be recorded in the office of the register of deeds of Milwaukee county, and to file the original in the office of the comptroller of the said city. And the said survey and plat, when so made, established, recorded and filed, shall have the same force and effect to vest in the said city all lands covered by the said water channel of the said river so established, as if the same had been made, acknowledged and recorded by the owners of such lands: *provided, however, that no* land belonging to private persons, and not dedicated or conveyed in that behalf by the owners thereof, shall be taken for the purpose of the said water channel until the compensation therefor shall be ascertained and paid, or tendered, as hereinafter provided. And the said water channel, when so adopted and established by the common council, is hereby declared to be a public river, subject to all laws and regulations applicable to it as such.

How property to be taken for public use.

SECTION 21. In case it shall be necessary to take any property for the purposes specified in the

preceding section of this act, the said board of public works shall apply to the common council of the said city, stating such necessity, and describing the property necessary to be taken, and shall thereupon, when so ordered by the said common council, proceed to cause such property to be taken as may be necessary, and in so doing, shall proceed in the same manner as provided by the charter of the city for laying out and widening streets in the said city, except that the application of said board of public works shall be in place of the petition of ten freeholders of the ward. And the benefits and damages of taking such property shall be assessed in the same manner and with the same right of appeal as provided by law in the case of laying out and widening streets in the said city.

SECTION 22. The common council of the said city shall have power from time to time, without petition in that behalf, to order the docking and dredging of the said Kinnickinnic river so surveyed and platted. And thereupon it shall be the duty of the said board of public works to proceed as in case of grading and graveling streets, with the same power of assessing benefits and damages to adjoining property, and the same right of appeal, and with the same proceedings generally as in case of grading and graveling streets. And the cost of docking and dredging the said river opposite to public streets abutting thereon, and of dredging the middle ground thereof, hereby fixed at one-third of the whole width thereof, shall be payable out of the proper dredging fund of the said city. And all excess of damages over benefits for taking land for the said water channel, and all expense of docking and dredging the same, opposite street crossings and in front of city property, shall be paid out of the ward fund of the proper ward. May order docking and dredging.
Cost fixed.

SECTION 23. The common council of the said city shall not be authorized to dredge any part of the said Kinnickinnic river above the bridge over the same on Kinnickinnic avenue, until the same shall have been continuously docked and dredged on both sides of the said river by the owners of abutting property thereon. Not to dredge above bridge.

SECTION 24. The warrant of the city treasurer of the said city to the chief of police of the said city for the collection of taxes on personal property shall hereafter include, in addition to the unpaid taxes on personal property for the current municipal year, all unpaid taxes on personal property for the next preceding three years. And the chief of police of the said city shall have power, and it shall be his duty, to collect What city tax warrant to contain.

the same as is now provided by law for the collection of taxes on personal property.

May erect stable for fire department.

SECTION 25. The common council of the said city shall have power to erect a stable on the premises occupied by the steam fire engine number one of the fire department of the said city for the use of that engine, at a cost not exceeding three thousand dollars.

May erect new school building—the cost.

SECTION 26. The common council of the said city shall have power to erect a new school building for the Juneau school, in the first ward of the said city, at an expense not exceeding eighteen thousand dollars, over and above and in addition to all moneys collected for insurance for loss by fire on the old building and furniture, and over and above and in addition to the fund heretofore set aside by the said common council for insurance, and over and above and in addition to the value of all material of the old building used in the erection the new building or sold.

May purchase additional school lots.

SECTION 27. The common council of the said city shall have power, at an expense not exceeding in the whole, the sum of twenty-five thousand dollars, to purchase additional lots for school purposes in the tenth ward, and to erect a school building for the said ward, and to furnish the same, and to fence the lots appurtenant thereto.

May remodel school buildings.

SECTION 28. The common council of the said city shall have power to remodel and erect additions to the Douglas school building in the eighth ward, and to the Jefferson school building in the second ward, at an expense of not exceeding ten thousand dollars for each of the said buildings.

May build addition.

SECTION 29. The common council of the said city shall have power to build an addition to the Union school in the sixth ward, at an expense not exceeding three thousand dollars.

May purchase lots in twelfth ward.

SECTION 30. The common council of the said city shall have power to purchase lots for a school building near the Kinnickinnic river in the twelfth ward, at an expense of not more than five thousand dollars.

Number of hook and ladder men increased.

SECTION 31. The number of hook and ladder men of the fire department of the said city is hereby increased to six, at a salary of eight hundred dollars per year each, as now provided by law.

Salaries of certain officers.

SECTION 32. The annual salaries of the following officers shall hereafter be as follows: Of the assistant engineer of the fire department, one thousand five hundred dollars; of the engineers of the steamers of the fire department, twelve hundred dollars each; of the foremen of the fire department, one thousand dollars

each; of the deputy comptroller of the said city, one thousand two hundred dollars; of the members of the board of public works, two thousand dollars each; of the city clerk, two thousand dollars; of the deputy city clerk, one thousand two hundred dollars. The common council shall also have power to appropriate a sum not exceeding five hundred dollars, to provide suitable conveyances for use of members of the board of public works in the discharge of their official duty.

SECTION 33. The amount of taxes which the common council of the said city shall be authorized to levy annually for the general city fund, to pay the general expenses of the city, including the current expenses of the police and fire departments, bridge tending and the repairs of bridges and of school buildings, and excluding the support of schools and special funds and expenses authorized or to be authorized by law, is hereby increased to two hundred thousand dollars. And the amount for ward purposes, exclusive of taxes for special purposes, authorized or to be authorized by law, is hereby increased to one hundred thousand dollars.

Limit of amount of taxation extended.

SECTION 34. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a sewerage fund for the east sewerage district of the said city, not exceeding thirty thousand dollars; a sewerage fund for the west sewerage district of the said city, not exceeding thirty thousand dollars, and a sewerage fund for the south sewerage district of the said city, not exceeding fifteen thousand dollars.

May create and appropriate a sewerage fund.

SECTION 35. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a general dredging fund not exceeding twenty-five thousand dollars, for general dredging expenses, of which the common council shall have power to expend a sum not exceeding six thousand dollars, in dredging the middle ground of the Kinnickinnic river, from its mouth to the Kinnickinnic avenue bridge, to a depth of fourteen feet.

A general dredging fund.

SECTION 36. The common council of the said city shall have power, in addition to the general ward tax in the sixth ward of the said city, to be levied by tax in the municipal year commencing on the third Tuesday of April, 1873, to collect a special ward tax in the said sixth ward for said year, of three mills on the dol-

A special ward tax for sixth ward.

lar on the assessment roll of the said ward, to be used and expended in the improvement of Walnut street in the said sixth ward.

May pay out of
general fund
for certain pur-
poses.

SECTION 37. The common council of the said city shall have power, in their discretion, to pay the following sums out of the general city fund for the municipal year, commencing on the third Tuesday of April, 1873; to Christopher H. Starke, two hundred dollars, for dredging done west of Sixth street bridge in the year 1870; to Richard Davis, one hundred and fifty-four dollars and eighty-nine cents, for extra work done on the Point street bridge; to Squires and White for building the approaches to Point street bridge, so much as the common council shall find to be justly due them therefor, and to Edward Keogh, the sum of sixty-six dollars and seventy-five cents for printing tickets for voting on the proposition for aid to the railway extension from Monroe to Dubuque, in 1872; to George Burnham, John Rugee, John Hiles, Trueman H. Judd, John H. Tesch, Ammi R. R. Butler and Guido Pfister, three thousand and eight hundred and fifty dollars for that amount expended by them for the construction of the Sixth avenue bridge, across the South Menomonee canal, in the year 1872. And the common council are hereby authorized and required to cancel and return to the obligors therein named the bond now held by the city, signed by Joseph Phillips, C. M. Sanger, Harry H. West and others, and held by the city treasurer as an indemnity for the same, of two thousand dollars paid out of the treasury for the expense of entertaining the citizens of Michigan on the occasion of their visit to the city of Milwaukee, in 1870.

Shall cancel
bond.

May pay certain
sums from the
ward funds.

SECTION 38. The common council of the said city shall have power, in their discretion, to pay the following sums out of the following ward funds for the municipal year commencing on the third Tuesday of April, 1873, with the consent of the local committee of the ward or wards to be charged in each case, or a majority of them and each of them: out of the ward funds of the sixth, ninth and tenth wards of the said city, in equal parts, the sum of three hundred and ninety-seven dollars and sixty cents to Henry Jante & Co., for covering the main sewer in Galena street, between First and Second streets, in the year 1872; out of the sixth ward fund, the sum of one hundred and fifty dollars to William Pilger, for damages sustained by him by the filling of Walnut street in front of lot five in block two, in the year 1871; out of the eighth ward fund, the sum of one hundred dollars and sixty

cents to Edward D. Holton, for work done on the street crossing at Canal street, in the eighth ward, in the year 1870; out of the fourth ward fund, the sum of ninety-three dollars to George J. Rodgers, being the amount advanced by him in 1872, in consequence of a clerical error in an assessment for opening a canal on property of Edward Roddis.

SECTION 39. The common council of said city are hereby authorized to cause Marshall street to be extended and opened from Wisconsin street to Lake street in the third ward of said city, in the manner provided for in the charter of said city, and the acts amendatory thereof. The cost of extending and opening said Marshall street, between Wisconsin street and Lake street, shall be charged as follows: One-half of such cost shall be charged to the ward fund of the said third ward, and one-half thereof to the adjoining real estate, as now provided by law for making and opening streets in said city. The common council of said city are hereby authorized in addition to other ward taxes to be levied in the year 1873, to levy on the taxable property of the said third ward an amount sufficient to pay one-half of the cost of opening and extending the said Marshall street, from Wisconsin street to Lake street, as herein authorized.

May open and extend Marshall street.

How cost to be charged.

SECTION 40. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 130.

[Published March 25, 1873.]

AN ACT to amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, and section one of chapter three hundred and seventeen of the general laws of 1864, relating to the duties of the commissioners of school and university lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, by adding after the word, "school," the word, "swamp," and after the word, "certificate," at the end of the section, the words, "together with the interest thereon

Amended—when sale of lands to be void.

from the time of such payment," so that said section one hundred and twenty-one will read as follows: "In case of the sale of any school, swamp or university lands, made by mistake or not in accordance with law, or obtained by fraud, such sale shall be void; and no certificate of purchase issued thereon shall be of any effect, but the holder of any such certificate shall be required to surrender the same to the commissioners, who shall thereupon refund the amount paid for the lands described in the certificate, together with the interest thereon from the time of such payment."

Amended—
when may re-
voke and annul
patent.

SECTION 2. Amend section one of chapter three hundred and seventeen of the general laws of 1864, by adding to such section the following: "And shall thereupon refund the amount paid for the lands described in such patent, with the interest on the same from the time of such payment to such patentee, his heirs or assigns." So that said section will read as follows: "Whenever the commissioners of school and university lands of this state are satisfied that they have erroneously or improperly signed any patent for school or university lands, or for swamp lands, and that wrong or injustice may have been done in consequence of the issuing of such patent, they shall be, and hereby are authorized and empowered, upon the application and request in writing of the patentee, his heirs or assigns, which application shall be filed in the office of the secretary of state, to revoke and annul the same, and shall thereupon refund the amount paid for the lands described in such patent, with the interest on the same from the time of such payment, to such patentee, his heirs or assigns."

SECTION 3. This act shall take effect from and after its passage.

Approved March 12, 1873.

CHAPTER 131

AN ACT granting certain rights to incorporated and organized companies therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May provide for
assessment of
expenses.

SECTION 1. All incorporated companies now organized under any existing laws, or which may hereafter

organize under any general law of this state, for the purpose of driving, sorting and delivering sawlogs, timber and lumber on Yellow river, a tributary of the Wisconsin river, and for the improvement of said Yellow river for such purpose, and who have heretofore expended or shall hereafter expend a sum of not less than twenty thousand dollars for such improvement, may provide by the by-laws of such company for the manner of the assessment of the expenses incurred by them, and to be charged to the owner or owners of such logs, timber and lumber, for driving the same, and also the amount to be charged to the owner or owners of such logs, timber and lumber, for sorting out and delivering the same to the owner or owners thereof, or to his or their agent: *provided*, that the whole amount so charged and assessed, as aforesaid, for driving, sorting out and delivering such logs, timber and lumber to the owner or owners thereof, shall not exceed, together, the sum now fixed and allowed in the act of incorporation under which such company is organized, or in any general law under which such company may hereafter organize; *and provided further*, that in case no sum or amount is fixed or specified in such acts of incorporation, or in such general law, as aforesaid, for driving, sorting out and delivering such logs, timber and lumber, then such amount shall in no case exceed the sum of one cent per thousand feet, board measure, for each and every mile said logs, timber and lumber may be driven by such company.

Limit of
amount fixed
for expenses.

Limit when no
sum is fixed.

SECTION 2. Such company or companies so organized as aforesaid, are hereby authorized and empowered to demand, receive and collect, from the owner or owners of all such logs, timber and lumber all sums of money so assessed by them and due for driving such logs, timber and lumber, and such further sums as may be assessed by them and due for sorting out and delivering the same, which sums together, shall not exceed the sum of one cent per thousand feet per mile, as aforesaid, or the sum fixed in the act of incorporation or any general law under which such company may be organized, which sum may be assessed and collected for driving, and for sorting out and delivering separately or as a whole, as such company may determine.

Limit of
charges fixed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 132.

AN ACT to establish and maintain a ferry across the Mississippi river from Glen Haven, in Grant county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Exclusive right to keep ferry. SECTION 1. Frank Coard, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across the Mississippi river, from the village of Glen Haven, in Grant county, or within two miles from the said village of Glen Haven, up and down said river.

Shall furnish good and sufficient boats. SECTION 2. The said Frank Coard, his associates or assigns, shall, within one year from the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle or other property, and for the accommodation of foot passengers, and shall, at all times, give ready and prompt attendance on passengers or teams, on all occasions, and at all hours of the day or night; but persons crossing the said ferry at night may be charged double the fare hereinafter prescribed.

May land boats on public highways. SECTION 3. The said Frank Coard may land his boat, passengers and property on any public highway, which now does, or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, he having first procured the permission of such owner so to do.

Shall execute and file bond. SECTION 4. The said Frank Coard, his associates or assigns, shall, within one year from the passage of this act, file or cause to be filed with the clerk of the board of supervisors of the county of Grant, a bond to the said board with two or more sureties in the penal sum of one thousand dollars, conditioned that he will fulfill all the duties imposed upon him by this act, and in case of his failure so to do, he shall forfeit all the benefits that might accrue to him from its passage.

Forfeiture for lack of boats and attendance. SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross the said ferry, the aforesaid corporator shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said county in a civil action before any court having competent jurisdiction, and shall be further lia-

ble, in like actions for all damages any person may sustain by reason of the neglect of the aforesaid corporator, to fulfill any of the duties imposed upon him by said act, or any one in his employ.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except those crossing between the hours of eight o'clock, P. M., and six o'clock, A. M., when double said rates may be charged: For each foot passenger, twenty cents; for each horse, mare or mule, with or without rider, twenty-five cents; for each two horses or mule-team, seventy-five cents; for each single horse and carriage, fifty cents; for each additional horse, mare, mule, ox or cow, twenty-five cents; for each hog or sheep, ten cents; all freights of merchandise or other articles not in teams, at the rate of fifteen cents per hundred pounds, and one dollar per thousand feet for lumber.

Rates of ferriage.

SECTION 7. If the said corporator, his heirs or assigns, or any ferryman or other person employed by him, shall take, exact, or receive any greater or higher rate of ferriage for transporting persons, goods and chattels or other things whatsoever, than is allowed by this act, the said corporator, his heirs or assigns shall be liable to the party aggrieved in the sum of five dollars for every such act, and which may be recovered before any justice of the peace of this state, having by law jurisdiction over the same.

Forfeiture for exacting illegal rates.

SECTION 8. If any other person or persons shall, after the establishment of the said ferry, as aforesaid, set up, keep or maintain any ferry, or shall carry any persons or goods or chattels, for hire or pay across the Mississippi river, from any place on the east side or shore of the waters of said river within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid by and for the use of any person entitled by law to sue for the same.

Penalty for infringement of right.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 183.

[Published March 15, 1873.]

AN ACT to legalize the official acts of Bernard McCabe, assessor of the town of Chilton, the official acts of the town board of equalization of said town and the tax roll of said town for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Official acts legalized.

SECTION 1. The official acts of Bernard McCabe, assessor of the town of Chilton, in the county of Calumet, for the year 1872, and the official acts of the town board of equalization for said town for the same year, and the tax roll of the town of Chilton, as placed in the hands of the town treasurer of said town for the same year, and all proceeding of said town treasurer in collecting the taxes in said roll are hereby legalized and declared valid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 184.

AN ACT to authorize Frederick A. Dresser to keep and maintain a dam or dams across the Chimpanzee and Bean brook, in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain dam.

SECTION 1. Frederick A. Dresser, his heirs and assigns, are hereby authorized to keep up and maintain a dam across the Chimpanzee, at the point described as follows: on section twenty-eight (28), in township forty-one (41), range ten (10) west; and the said Frederick A. Dresser, his heirs and assigns are hereby authorized to keep up and maintain a dam or dams at the points described as follows: one on section six (6), township thirty-nine (39), range ten (10) west; one on section eight (8), township thirty-nine (39), range ten (10) west, on the stream known as Bean brook, for the term of twenty years.

SECTION 2. The said Frederick A. Dresser, his heirs and assigns shall build and maintain suitable slides and gates in said dams, for the purpose of sluicing logs, timber and lumber over and through said dams, and shall keep the same in repair and shall hold the waters back, for the purpose of sluicing and driving said logs, timber and lumber, and when the case may require, the said gates shall be closed for that purpose.

Shall build slides and gates.

SECTION 3. When the said Frederick A. Dresser, his heirs or assigns shall have completed the said dams as aforesaid, he or they are hereby authorized to receive and collect from the owner or owners of logs, timber or lumber, five cents per thousand feet, board measure, for all said logs, timber or lumber sluiced through or run over said dams, the number of thousand feet to be determined by the scale on the landings above said dams, and the sum of five cents per thousand feet for all logs, timber or lumber drawn out of the Mac Key branch, a tributary of the said Bean brook, by the aid of the said dams on Bean brook, or of logs landed on Bean brook below said dams and driven by the aid of said dams, the measure and amount to be determined as in the case hereinbefore provided, and the said charges shall remain and be a lien on said logs, timber and lumber until the same shall be paid.

May collect charges on logs for sluicing.

SECTION 4. The aforesaid Dresser, his heirs or assigns, or authorized agents, shall have full and complete control of said dam or dams, and superintend all driving or sluicing of logs, timber or lumber through the same.

Shall have full control of dam.

SECTION 5. Nothing in this act shall be so construed as to give the parties aforesaid any right to shut down the gates of said dams during the months of July, August and September, in each year, but the said dams and the gates thereof shall remain open during said months, and the waters of said Chimpanzee and Bean brook shall flow free and unobstructed through the said dams during the months aforesaid.

When dam to remain open.

SECTION 6. This act shall be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 135.

AN ACT to authorize Samuel B. Dresser and George Willson to build and maintain a dam across Osceola creek, in the town of Osceola, Polk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build dam.

SECTION 1. Samuel B. Dresser and George Willson, their associates, successors, heirs and assigns are hereby authorized to build a dam for manufacturing purposes across Osceola creek in county of Polk, in town thirty-three (33), range nineteen (19) west, section twenty-seven (27), in the town of Osceola.

Liable for damages for overflowing lands.

SECTION 2. Said dam may be erected to the perpendicular height of twenty feet: *provided*, that if the said dam shall cause the aforesaid creek or river to overflow the land of any other person or persons except the proprietors of said dam, to the injury of the owner or owners thereof, the said Samuel B. Dresser and George Willson, their successors, heirs or assigns, shall pay in full all damages accruing at any time, in such manner when damages shall be determined by due process of law.

Penalty for injury to dam.

SECTION 3. Any person or persons who shall wilfully and maliciously destroy or injure said dam or any part thereof, shall be liable to its proprietors in an action of trespass for the amount of damage done, in addition to the penalties already prescribed by law, to be recovered in any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 186.

[Published March 25, 1878.]

AN ACT amending section one, chapter ninety-five, general laws of 1871, "an act entitled to regulate the keeping of slaughter houses in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter ninety-five of the general laws of the year 1871, entitled "an act to regulate the keeping of slaughter houses in this state," approved March 16, 1871, is hereby amended as follows: After the words, "one hundred inhabitants," strike out the word, "and," and insert the word, "or," so that said section shall read as follows: If any person shall erect, maintain or use any building heretofore erected for the purpose of a slaughter-house, within the limits of any village of not less than one hundred inhabitants, or within one-eighth of a mile from any dwelling house or building used as a place of business, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, at the discretion of the court.

Amended—penalty for keeping slaughter house in village limits

SECTION 2. Every president of an incorporated village and chairman of the board of supervisors, who shall knowingly permit any slaughter house to be used or maintained, contrary to the provisions of this act, after he shall have been notified of any such violation, shall forfeit for any such offense, a sum of not less than fifteen or more than fifty dollars.

Forfeiture for permitting slaughter houses.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

CHAPTER 187.

[Published March 14, 1878.]

AN ACT to repeal sections one and two of chapter one hundred and seventy-five of the general laws of 1869, entitled an act to amend sections six, fifteen and twenty-nine of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation and the levy of taxes thereon, and to amend section twenty-nine of the general laws of 1868, entitled an act to provide for the assessment of property for taxation and the levy of taxes thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Repealed.

SECTION 1. Section one of chapter one hundred and seventy-five of the general laws of 1869 is hereby repealed.

Repealed.

SECTION 2. Section two of chapter one hundred and seventy-five of the general laws of 1869 is hereby repealed.

Re-enacted.

SECTION 3. Section twenty-nine of chapter one hundred and thirty of the general laws of 1868 is hereby re-enacted. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

CHAPTER 188.

[Published March 14, 1878.]

AN ACT relating to the service of a summons in a civil action, and amendatory of section twenty-seven of chapter one hundred and thirty-eight of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—certificate of officer to be evidence.

SECTION 1. Section twenty-seven of chapter one hundred and thirty-eight of the revised statutes is hereby amended by adding thereto the following sentence, to-wit: "The certificate of such sheriff or other proper officer, indorsed upon the summons, stating the time when he received the same for service, shall be

prima facie evidence in all courts and places, that he did receive the summons for service upon the day in the said certificate named.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 139.

[Published March 14, 1873.]

AN ACT to amend section twelve of chapter one hundred and fifty-four of the general laws of 1862, entitled "an act to provide for lien for labor and services upon logs in certain counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve of chapter one hundred and fifty-four of the general laws of 1862 is hereby amended by inserting the words: "And the owner or owners of such logs, if known, and if not known, then the person or persons whose recorded log marks are upon such logs," after the word, "claim," where that word appears in the third line of said section, so that said section shall read as follows: "In all suits or actions under the provisions of this act, the person, company or corporation liable for the payment of such debt or claim, and the owner or owners of such logs, if known, and if not known, then the person or persons whose recorded log marks are upon such logs, shall be made defendants." Amended—who to be made defendants.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 140.

AN ACT to change the name of the Sycamore Street Baptist Church, in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name of church changed.

SECTION 1. The name of the Sycamore Street Baptist Church, in the city of Milwaukee, which is a corporation existing under the general laws of the state, is hereby changed so as to be the Second Baptist Church of the city of Milwaukee, under which name it shall hereafter be known and shall have all the rights, powers and privileges, and be subject to all the obligations which the Sycamore Street Baptist Church now has or is under.

SECTION 2. This act shall take effect and be in force immediately after its passage and publication.

Approved March 12, 1878.

CHAPTER 141.

[Published March 14, 1878.]

AN ACT to amend chapter sixty-four of the general laws of 1871, entitled an act to authorize town supervisors to construct drains in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
shall determine
as to repair of
ditch.

SECTION 1. Chapter sixty-four of the general laws of 1871 is hereby amended by adding thereto to following additional section: In all cases, whenever the supervisors shall lay out and establish any ditch, and shall divide the same into sections as provided by section seven of the chapter to which this is amendatory, they shall also determine what portion of said ditch shall be maintained and kept in repair by each person interested in said ditch.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.

CHAPTER 142.

AN ACT to authorize Israel Graves to maintain a ferry across Lake St. Croix in the town of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Israel Graves, his heirs, associates and assigns are hereby granted the right exclusive to keep and maintain for the term of ten years from the 5th day of March, A. D. 1873, a ferry across the Lake St. Croix at any and all points between the West Wisconsin railway bridge across Lake St. Croix at Hudson, in St. Croix county, and the north line of township twenty-nine in said county.

Exclusive right to maintain ferry.

SECTION 2. There shall be kept for use upon said ferry, proper boat or boats, and said Graves, his heirs, associates and assigns, shall at all reasonable hours provide good and sufficient means for ferriage for passengers, teams and merchandise, except when it shall be dangerous from the state of the weather on said lake so to do.

Shall keep proper boats.

SECTION 3. The said Israel Graves, his heirs, associates and assigns, shall be entitled to demand and receive payments for ferriage each way upon said ferry, according to the following rates, to-wit: for each foot passenger, ten cents; for each team of two horses, mules or oxen, loaded or unloaded, with or without a driver, seventy-five cents if with a vehicle, and fifty cents if without a vehicle; for each single ox, horse or mule with a vehicle, with or without a driver, fifty cents; for each ox, mule, ass or horse without a vehicle, twenty-five cents; for cattle, single, fifteen cents each; for ten or more of cattle, twelve cents each; for each single sheep or other animal not above specified, five cents.

Rates of ferriage.

SECTION 4. This act shall take effect upon its passage and publication.

Approved March 12, 1873.

CHAPTER 143.

[Published March 14, 1878.]

AN ACT to legalize the acts of Leonard F. Whelock as justice of the peace in the county of Douglas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts as justice
legalized.

SECTION 1. All the acts of Leonard F. Whelock, of the town of Superior, in Douglas county, as justice of the peace, are hereby legalized and declared to be as valid and binding in all respects as if the said Whelock had filed his official bond in the office of the clerk of the circuit court of said county within the time limited therefor by law, and said bond been approved by the supervisors of the town of Superior.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

CHAPTER 144.

[Published March 14, 1878.]

AN ACT fixing the time when brook trout may be caught from any of the waters in Ashland, Bayfield and Douglas counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When trout
may be caught.

SECTION 1. Brook trout may be caught as now provided by law in any of the waters in Ashland, Bayfield and Douglas counties, between the first day of March and the fifteenth day of September following, in each year. All acts and parts of acts, so far as they conflict with this law, are hereby repealed.

SECTION 2. This act shall be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 145.

[Published March 26, 1878.]

AN ACT to enable certain towns in conjunction with adjacent counties in another state to aid in maintaining a hospital for indigent and other sick persons, and to authorize said towns to levy a tax for such purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for any town in this state, acting in conjunction with an adjacent county in another state, to keep and maintain a hospital for the use of indigent and other sick persons of said town and county, and said town may receive all rights, purchases, grants and donations made to and by the association formed or to be formed by said town and county, and by their associate name perpetuate, keep and maintain said hospital, and acting in conjunction with the board of supervisors of said adjacent county in said other states, may make such rules and regulations as shall be necessary for the proper conduct of the officers of such association.

May keep and maintain hospital.

SECTION 2. Said town, at any meeting of its board of supervisors, may appoint three trustees for said association, one for one year, one for two years and one for three years, and shall annually thereafter appoint one trustee who shall hold his office for three years; said trustees acting in conjunction with three trustees to be appointed by the board of supervisors of said adjacent county in said other state shall, at the annual meeting of the trustees of said association on the ninth day of October, 1878, enter upon their duties as trustees of said association, and the terms of office shall be deemed to commence at the said annual meeting for each year, after the ninth day of October, 1878; the said three trustees acting with the three trustees appointed by the board of supervisors of said adjacent county in said other state shall constitute the board of trustees for said association; the said board of trustees shall elect a president of said association, who shall be a resident of either said town or said county in the other state, and such other officers as shall be required to conduct said hospital, and the officers of the association, who shall hold their offices for one year; they may make all needful by-laws, rules and regulations that shall become necessary to carry out the objects of

May appoint trustees of the association, and amend by-laws.

Trustees may receive grants of land and convey the same.

the association. A majority of the members of the board of supervisors of said town and county may amend any by-law, rule or regulation made by said board of trustees if in their judgment the same is improper or objectionable. Said board of trustees may receive for the use of the hospital any grant of lands and any donation of money, lands or property which may be made for the use of the same, and shall have full control of the same, and of all property belonging to said association, and may grant and convey any lands which may be granted to the same, and which may not be needed for the use of said hospital. All grants of land for the use of said hospital may be made to the trustees of said association formed or to be formed under the laws of this state, or such other state by its corporate name and style, and by that name be conveyed by a deed signed by the president and trustees of said association.

Towns may issue and negotiate bonds to aid in erecting hospitals.

SECTION 3. Every town in this state which has formed or shall form an association for the purpose of establishing a hospital for the care of the indigent and other sick, in conjunction with an adjacent county in another state, is hereby authorized and empowered, by the board of supervisors of such town, to issue and negotiate the bonds of such town to an amount not to exceed five thousand dollars at one time, such bonds not to run over five years, and not to draw over ten per cent. interest per annum, for the purpose of aiding in the erection of suitable buildings for such hospital; and said board may also appropriate a sufficient sum of money to defray the expense of maintaining such hospital, and may levy and collect a tax for the payment of the principal and interest of any bonds of the town issued for that purpose, and for the payment of the appropriation so made, in the same manner as is provided by law for levying and collecting taxes for other town purposes.

Overseers of poor to provide for the indigent.

SECTION 4. The overseers of the poor for such town are hereby authorized to provide for the care of such sick and disabled indigent persons who may become a charge on the poor fund in said town in the hospital of such association, and to defray the expenses of such care out of the poor fund of said town.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

CHAPTER 146.

[Published March 18, 1873.]

AN ACT to authorize and provide a re-survey and re-platting of the village of Montello, and the additions thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The president and board of trustees of the village of Montello, in Marquette county, are hereby authorized and empowered to make or cause to be made a re-survey and a re-platting of the village plat of North Montello and the additions thereto, in said village of Montello, or as much thereof as the said village authorities shall think proper, and cause the plat thus made to be recorded in the office of the register of deeds in said Marquette county. May make a re-survey of village.

SECTION 2. The said village plat, with a certificate of the surveyor who made the survey thereof, and the certificate of the village officers aforesaid, attested by the village clerk, attached thereto, and properly recorded as aforesaid, shall be held to be a legal plat of the lands thus platted, for all purposes whatever. Shall be a legal plat.

SECTION 3. The full expenses for survey, platting and recording contemplated and provided for in this act, shall be paid by said village of Montello as now incorporated; and the proper authorities of said village are hereby authorized to levy a special tax upon the property of said village of Montello for that purpose. Shall levy special tax to pay expense.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 147.

AN ACT to authorize the Red Wing and Menominee Railroad Company to build a bridge across the Mississippi river at or near Red Wing, Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. That the Red Wing and Menominee Railroad Company be and are hereby authorized and May construct railroad bridge.

empowered to construct and maintain a railroad bridge across the Mississippi river, and its several channels in this state, at or near Red Wing, in the state of Minnesota; and for that purpose, as well as for the purpose of running cars and engines upon and over the same, may exercise all the corporate powers vested in said company by its charter: *provided*, said bridge shall be built in conformity with the provisions of the act of congress, passed in reference thereto, approved June tenth, 1872.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 148.

[Published March 15, 1873.]

AN ACT to incorporate the city of Boscobel.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER 1.

Shall be a municipal corporation, and its powers.

SECTION 1. All the district of country in the county of Grant contained within the boundaries hereinafter described shall be a city by the name of "Boscobel," and the people now inhabitants, and those who shall hereafter inhabit said district, shall be a municipal corporation, the name of which shall be the "city of Boscobel." Said corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto, the powers hereinafter specifically granted, and the authority thereof; shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts; and shall have a common seal, and may change the same at pleasure.

Territorial limits.

SECTION 2. The territory included within the following boundaries shall constitute said city of Boscobel, to wit: All of section twenty-two (22) that lies in Grant county, the west half of section twenty-six (26), all of the east half of section twenty-seven (27) which lies in Grant county, the northeast quarter of section

thirty-four (34), and the northwest quarter of section thirty-five (35), and the northwest quarter of the southeast quarter of section twenty-six (26), all in town eight (8) north, of range three (3) west, shall hereafter be known and designated as the city of Boscobel.

SECTION 3. The said city shall be divided into four wards, the boundaries of which shall be as follows, to wit: First ward, that portion of said city lying and being east of Wisconsin avenue and north of Oak street; second ward, that portion of said city lying and being east of Wisconsin avenue and south of Oak street; third ward, that portion of said city lying and being west of Wisconsin avenue and north of Oak street; fourth ward, that portion of said city lying and being west of Wisconsin avenue and south of Oak street.

Ward boundaries.

OFFICERS.

SECTION 4. The officers of said city shall consist of one mayor, four aldermen, one clerk, one assessor, one treasurer, two justices of the peace, one constable, who shall be ex-officio marshal of said city, and such other officers as the mayor, by and with the consent of the aldermen, shall ordain; said officers shall be elected by the qualified voters of the said city, except as hereinafter provided, on the third Monday in April in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified, except the said justices of the peace, who shall be elected every two years, and shall hold their said office for the term of two years; one of said aldermen shall be elected from each ward named in section three of this act.

City officers—their election and term of office.

ELECTIONS AND VACANCIES.

SECTION 5. The clerk shall give at least ten days' notice of the time and place of holding an election, and the mayor and aldermen, or any two of them, shall preside at every such election; and any vacancy in the office of mayor or other elective officer shall be filled by special election: *provided*, that when any vacancy occurs in the office of any alderman, the same shall be filled by a qualified elector and resident of the ward in which such vacancy occurs, and in the manner provided in this act. All other officers shall be appointed by the mayor and aldermen, and shall hold their offices during the term for which such mayor and aldermen are elected, and until their successors are

Notice of elections.

Appointive officers.

Qualifications of voters, and appointment of inspectors. appointed and qualified, and shall be subject to removal by said mayor and aldermen. All persons qualified to vote in said city for member of the state assembly, and who are residents of said city at the time such vote is offered shall be legal voters for corporation officers. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of aldermen present to conduct the election.

When polls to be open. SECTION 6. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Non-election not to dissolve corporation. SECTION 7. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special election for the election of mayor and of aldermen may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said city, as herein provided for annual elections.

Officers shall take oath. SECTION 8. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state and the laws thereof.

Certain officers to give bonds. SECTION 9. The treasurer and constable and such other officers as the common council may direct, before they enter upon the duties of their offices, shall severally give bonds to the said city in such sum, with such conditions and with [such] sureties as the said city council or a majority of them shall direct. The mayor shall preside at all meetings of the aldermen, sign all commissions, licenses and permits which may be granted by the aldermen. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed, and when presiding at any meeting of the aldermen, shall have a casting vote when the votes of the members are equal.

Time and place of meeting of council. SECTION 10. The mayor and aldermen shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen at all seasonable times

and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

SECTION 11. The marshal shall possess all the powers and enjoy all the rights of a constable, of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, by the police justice or other judicial officer; and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said city, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice, in any part of the state of Wisconsin; to apprehend any person in the act of committing any offense against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules and regulations of the city, and forthwith to bring such persons before competent authority for examination; and for such and other similar services, he shall receive like fees as allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the city, and in default of payment, to prosecute for the same, in the corporate name of the city, and pay over the same to the treasurer when received by him.

Powers and duties of the marshal.

SECTION 12. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city, and by law. All moneys raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the mayor, and countersigned by the clerk by order of council. Such order shall specify the amount of money to be drawn, and its object. He shall keep a just and accurate account of all moneys

Powers and duties of the treasurer.

and other things coming into his hands as treasurer, in a book to be provided by the city for that purpose, which shall remain the property of the city, wherein he shall note the time when, the person from whom the amount of the several sums received, and the source from whence the said sums arose, which said book, at all seasonable times, shall be open to the inspection of the electors of the city. He shall, as often as the council require, render to said council a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor in office, all moneys, books and vouchers in his possession belonging to said city.

Powers and duties of the clerk.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the council, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the council. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said city. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and the sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk, before they shall be a legal voucher against the city. The clerk shall have power to administer oaths.

Other and further duties may be required.

SECTION 14. The mayor and common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

SECTION 15. If any person, having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. Any such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall deliver over books, papers, etc., to successors.

SECTION 16. The style of all ordinances passed by the mayor and common council shall be: "the mayor and common council of the city of Boscobel do ordain as follows." The mayor and council shall constitute a quorum for the transaction of any business, and in the absence of the mayor, the members of the common council present shall elect one of their number mayor *pro tem.*, who, for the time being, shall possess all the powers of the mayor.

Style of ordinances.

Mayor pro tem.

SECTION 17. The mayor and common council shall have the exclusive authority, within the corporate limits of the said city, to grant according to law or ordinance or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same, and no person shall sell, vend, deal in or for the purpose of evading the provisions of law or of this act or the ordinances of said city, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license thereof as provided by this act, the laws of this state and the ordinances of said city; and any person who shall, in any manner, violate any of the provisions of this section, or the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said city on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said city for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of said city, and that no license shall be granted for a less time than

Power to grant licenses.

Disposal of license money, and the amount to be charged.

Not to give
away liquors.

one year; *and provided further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks on election day or on Sunday. In all prosecutions for any violation of this section or of the laws or ordinances herein referred to, it shall be sufficient to allege, in general terms, the selling, vending, dealing in or giving away without such license of such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person, of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on proof that the person charged kept a bar, sideboard or other thing or fixture with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks shall be *prima facie* evidence sufficient to warrant and sustain a conviction, as proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Prohibition of
slaughter
houses.

SECTION 18. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes within the corporate limits of said city, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of said mayor and common council entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said city.

Special powers
vested in the
council.

SECTION 19. The mayor and common council shall have the control and management of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient,

declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of law: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes they shall have power and authority, by ordinances, resolutions, by-laws, regulations or rules,

SHOWS.

1st. To license and regulate the exhibition of com- License shows.
mon showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement of all nuisances, under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten-pin or other ball alleys, or the setting up or playing on the same in said city.

GAMING.

2d. To restrain and prohibit all descriptions of gam- Restrain gam-
ing.
ing and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

RIOTS, ETC.

3d. To prevent any riots, noises, disturbances or dis- Prevent riots.
orderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purpose of gaming.

NUISANCES.

4th. To compel the owner or occupant of any gro- Abate nuisan-
ces.
cery, cellar, tallow-chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

SLAUGHTER HOUSES, AND GUNPOWDER

5th. To direct the location and management of Location of
slaughter
houses.
slaughter houses and to prevent the erection, use and occupation of the same, and to establish rates for and

license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

INCUMBERING STREETS, ETC.

Encumbering streets.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

HORSE RACING.

Horse racing.

7th. To prevent horse racing, immoderate riding or driving in the streets.

RESTRAINING HORSES, ETC.

Running at large of cattle.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

DOGS.

Of dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

PUTRID CARCASSES, &C.

Deposit of putrid carcasses.

10th. To prevent any person from bringing, depositing or leaving within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, and in default of such person, to authorize the removal of the same by some competent officer, at the expense of such person or persons.

POUNDS, &C.

Pounds, etc.

11th. To make and establish a pound and appoint a pound master, also to protect shade or ornamental trees on the public squares or in the streets of the corporation.

MEETINGS, COMPENSATION OF OFFICERS.

Regular and special meetings.

12th. To call regular and special meetings of the voters of the said city, and to prescribe the compensation of the clerk of the city, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said city.

FIRE COMPANIES, ETC.

13th. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to construct and preserve reservoirs, pumps, wells and other water works, and regulate the use thereof, and generally to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Organize fire companies.

DRUNKARDS, ETC.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said city, and to provide for the arresting, removing and punishing of any person or persons, who may be guilty of the same.

Restrain drunkards.

PEDDLERS, ETC.

15th. To regulate, suppress or license hawkers and peddlers.

License peddlers.

SHADE TREES.

16th. They shall have power to require the owner of any lots or grounds in the city, to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lots or grounds to pay the expense of the same.

Set out shade trees.

RUBBISH, ETC.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys, opposite thereto, and in default, to authorize the removal of the same by some officer of the city, at the expense of such owner or occupant.

Remove obstructions.

POLL TAX.

18th. To tax every male resident of said city above the age of twenty-one years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint.

Levy poll tax.

SIDEWALKS.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on

Special tax for sidewalks.

the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

OPENING STREETS, ETC.

Open streets. 20th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from incumbrances, and to protect them from injury in said city.

TAX FOR STREET IMPROVEMENTS.

How special tax to be levied. SECTION 20. Whenever the common council shall levy any special tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing of any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax, to be collected and expended, and a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said city, or in some public newspaper published therein, and shall specify in such notice a time, not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by the said street commissioner.

COLLECTION OF TAXES.

Return of tax list, with statement, etc. SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the common council, accompanied by a statement verified by his affidavit, subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended and the items of expenditures, also, the taxes which remain unpaid and the persons and description of real estate and lots to which such unpaid taxes stand charged, and the clerk of said city shall extend the same on the assessment roll of the city in

the same manner as other taxes against such persons, descriptions of real estate and lots; and such taxes shall be collected in the same manner as the general taxes of said city, and when so collected, shall be paid on the order of the common council, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

PENALTIES FOR VIOLATION OF ORDINANCES.

SECTION 22. In all cases in relation to which, by the provisions of this act, the mayor and common council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such rules, ordinances, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and also may provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution, direct, not exceeding thirty days, for which purchase the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county; and every execution issued upon judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or the jail provided by said city, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision, by this act or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures when collected shall be paid into the treasury of said city for its use.

Penalties for violation of the ordinances.

Executions to direct imprisonment, in default of payment of fine.

HOW ACTIONS TO RECOVER PENALTIES TO BE BROUGHT.

SECTION 23. All actions brought to recover any penalty or sum of money or forfeiture under this act,

Manner of bringing actions.

or the ordinances, by-laws, rules, regulations or resolutions, shall be brought in the name of the city, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter, to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule regulation or resolution, published in a newspaper or pamphlet by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

PUBLICATION OF ORDINANCES.

Ordinances,
etc., to be pub-
lished and re-
corded.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed without an affirmative vote of the majority of the common council in its favor, which vote shall be taken by "ayes" and "noes," and entered of record.

To be passed
by ayes and
noes.

How ordinan-
ces, etc., to be
published.

SECTION 25. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such newspaper shall be published in said city, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said city. In all actions brought by or in the name of the said city or against it, the said city shall have the

same right of appeal, or to a writ of *certiorari* or of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party interested.

SUITS TO ABATE NUISANCES.

SECTION 26. The powers conferred upon the said mayor and common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

Suits to abate nuisances.

EXCLUSIVE JURISDICTION.

SECTION 27. The justices of the peace elected under this act, and residing within the corporate limits of said city, shall have exclusive jurisdiction of all actions, trials and examinations arising under this act, or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act.

Jurisdiction of justices.

REMOVAL OF OFFICERS.

SECTION 28. The common council shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One city clerk, one chief engineer of the fire department and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of their duties, when deemed expedient and necessary by the common council.

Appointment and removal of officers.

SERVICE OF PROCESS AGAINST THE CITY.

SECTION 29. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the process, duly

How process against city to be served.

certified to by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said city may be in such case provided.

CITY DEBTS.

Private property not liable for public debt.

SECTION 30. No real or personal property of the said city, or of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

DAMAGE FOR WIDENING STREETS.

Damages for widening streets.

SECTION 31. The mayor and common council, in case of laying out or widening any street, alley or public walk, shall pay the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

HOW TO BE ASCERTAINED.

Jury to ascertain damages.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said city, to be summoned by any justice, upon the request of the mayor of said city, for that purpose as a jury, who shall determine the necessity thereof. They shall be selected by the said mayor and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain, upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out and widening of such street, alley, or public walk to such party claiming damage, and the persons so selected, summoned and sworn shall proceed to the discharge of their duty in the premises, and make report in writing, over their several signatures, to said mayor within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

EXPENDITURE OF HIGHWAY TAXES.

How highway taxes to be expended.

SECTION 33. All highway taxes, assessed or payable on property or persons resident or being within said city, shall be expended on any and all the highways,

streets and bridges in said city, but not on any sidewalks, crossing or alley, and the street commissioner in said city shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the common council of said city, any law to the contrary notwithstanding: *provided, however,* that the common council of said city may, by special order previously made, allow such portion of the highway taxes assessed or collected in said city, not exceeding one-half part thereof, to be expended without the limits of said city, on any public highways leading from said city.

POWERS OF MAYOR AND COMMON COUNCIL.

SECTION 34. The mayor and common council shall have power, and it is hereby made their duty in each year, to levy and assess upon the taxable property in said city, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money from other sources to such purpose, and no more: *provided,* that there shall not be raised under this section in any one year an amount exceeding three hundred dollars, unless authorized by a vote of the qualified electors of said city.

Tax to pay city debt.

HOW TAX COLLECTED.

SECTION 35. All taxes raised and collected in the said city of Boscobel for the purpose authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county and state purposes are levied and assessed.

How to be collected.

AMOUNT TO BE DETERMINED.

SECTION 36. The mayor and common council of the said city shall, on or before the first Monday of November in each year, by resolution to be entered upon the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said city for the current year, and the clerk of the said city shall thereupon, within the time now required by law for town clerks to make and complete their tax rolls, extend the same upon the tax roll of the said city.

Determination of amount of taxes.

STATEMENT OF ELECTION OF OFFICERS TO BE FILED
WITH CLERK OF CIRCUIT COURT.

Shall make and
file statement
of officers elect-
ed.

SECTION 37. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said city, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officer so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers.

FIRST ELECTION.

How first elec-
tion to be or-
dered.

SECTION 38. The first election of officers under this act shall be held on the third Monday in February, 1873, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election, and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the said third Monday in February, 1873, then the same may be ordered and appointed by any ten freeholders as provided in section seven of this act.

How officers
qualify.

SECTION 39. At the first election of officers under this act, all elected officers of this city shall qualify before any justice of the peace of the county.

ANNUAL MEETING OF SCHOOL DISTRICT.

Annual meet-
ing of school
district.

SECTION 40. The annual meeting of the school district in the said city of Boscobel shall be held on the last Monday in August in each year, and the town of Boscobel not included within the limits of said city shall be attached to the city school district for school purposes, and be subject to like school taxes and be subject to the laws of joint school districts.

LEVY AND ASSESSMENT OF HIGHWAY TAXES.

Levy and as-
sessment of
highway taxes.

SECTION 41. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and

every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll tax; which poll tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes: *provided, however*, that the highway tax and poll tax to be collected within the present limits of the village of Boscobel for the year 1873, shall be collected in the same manner as the said tax is collected under the charter of the village of Boscobel, and existing laws, and shall, for that year, be expended in the manner provided by said village charter and existing laws.

CHAPTER 2.

EXCLUSIVE CONTROL OF FUNDS.

SECTION 1. All funds in the city treasury, exclusively belonging to the city, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, except as hereinafter provided; and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

City funds to be under control of council.

HOW CITY DEBT TO BE AUTHORIZED.

SECTION 2. No debt shall be contracted against the city, nor order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

How city debt to be authorized.

PENALTIES AND LICENCES TO BE PAID INTO THE CITY TREASURY.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city,

License money to be paid into general fund.]

and all moneys received for licences, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of all the aldermen elect.

SUBJECT TO ANNUAL TAXATION.

Annual taxation, and power of the assessors

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elect under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

OBJECTION TO ASSESSMENT.

Objection to assessment.

SECTION 5. On the first and second Mondays of July, and at such time and times as he may appoint, the assessor shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alteration or revision as justice or equity may require.

RETURN AND EQUALIZATION OF ASSESSMENT ROLL.

Return and equalization of assessment.

SECTION 6. On or before the last day in July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from and otherwise correct the same, but shall not have power to increase the amount of said assessment, except by the value of such real property as may have been omitted by the assessor.

Filing and approval of assessment roll, and determination of amounts.

SECTION 7. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council on the first Monday in August in each year, or within ten

days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of tax necessary to be levied for school purposes, streets and bridges, and shall by resolution levy the same, but no such resolution shall be adopted, except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

ASSESSMENTS TO BE A LIEN ON PROPERTY.

SECTION 8. All assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Assessment to be a lien upon property.

COPY OF ASSESSMENT ROLL TO BE SENT TO COUNTY CLERK.

SECTION 9. Before the annual meeting of the board of supervisors of Grant county, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before the said board as required by law.

Copy of roll to be filed with county clerk.

CITY TO BE REGARDED AS A TOWN.

SECTION 10. The board of supervisors shall have the right to regard the city of Boscobel as a town, in equalizing the assessment rolls of the several towns of said county, as provided by law.

City regarded as town.

LEVY OF COUNTY AND STATE TAX.

SECTION 11. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Not to regard ward divisions, in levy of taxes.

CITY CLERK TO MAKE OUT ASSESSMENT ROLL.

City clerk to
make out as-
sessment roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Boscobel, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

TAX LIST PRIMA FACIE EVIDENCE.

Tax list to be
prima facie
evidence.

SECTION 13. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

CLERK TO MAKE DUPLICATE COPY OF TAX LIST.

Shall make out
duplicate copy
of list.

SECTION 14. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the twenty-fifth day of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in his office.

TREASURER TO COLLECT TAX.

City treasurer
to collect tax.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive

one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

CITY TREASURER TO MAKE RETURNS TO COUNTY TREASURER.

SECTION 16. At the time provided by law for town treasurers to make their returns to county treasurers in each year, the said treasurer shall make out and return to the treasurer of Grant county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle and pay over all moneys properly payable to said county treasurer in like manner as now is or hereafter may be required of town treasurers. The said treasurer shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes and poll taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns.

Shall make return to county treasurer.

SALE OF DELINQUENT LANDS.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of Bos-cobel, at the same time and in the same manner as other delinquent lands are sold in said county.

Sale of delinquent lands.

ALL PROPERTY LIABLE TO SPECIAL TAXATION.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of the streets in front of the same.

Liable to special taxation

PROVISIONS TO BE REGARDED AS ONLY DIRECTORY.

SECTION 19. All the directions hereby given, except in section nine of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directory; and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Provisions to be regarded as directory.

CHAPTER 3.

Application of
poor-laws.

SECTION 1. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall make such rules, regulations, ordinances, and provisions in relation to the same as they shall deem proper.

This act not to
affect previous
contracts.

SECTION 2. This act shall not in any manner affect, injure or invalidate any contract, acts, suits, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue of, or in pursuance of the acts hereby repealed, or any of them, but the same shall exist and be enforced and carried out as fully and effectually and to all intents and purposes as if this act had not been passed.

Mayor to be ex
officio supervi-
sor.

SECTION 3. The mayor of the city shall be ex officio a supervisor to represent said city in the board of supervisors of Grant county, which shall constitute the only representation of said city upon the said board of supervisors of Grant county, any law to the contrary, notwithstanding.

When first elec-
tion to be held.

SECTION 4. The first election under this act of said city shall be held in the city hall of said city, and thereafter there shall be but one election poll in said city, which shall be at such place as the common council may, by resolution, establish.

Existing ordi-
nances to re-
main in force.

SECTION 5. All ordinances of the village of Boscobel may be adopted by the common council, and when so adopted shall be and remain in full force as ordinances of the city without further publication, and wherever in such ordinances the words, "president and trustees of the village of Boscobel" occur, they shall be taken to mean the "mayor and common council of the city of Boscobel."

First inspectors
of election.

SECTION 6. The inspectors of election of the village of Boscobel shall constitute the inspectors of the first election under this act, and the clerk of the village of Boscobel shall act as clerk of such election, and in case of a vacancy, it shall be supplied as provided for by the village charter.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 149.

[Published March 25, 1873.]

AN ACT to amend sections thirty-eight and forty-eight of chapter twenty-two of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-eight of chapter twenty-two of the general laws of 1859 is hereby amended by inserting between the fourteenth and fifteenth lines of said section, as published, the following provision, to wit: "or that the lots or lands described in plaintiff's complaint, or some part thereof were in the actual occupancy or possession of the defendant, his agent or tenant, or of some other person through whom the defendant claims title, for the period of thirty days or more, at any time within six months immediately preceding the expiration of the time of redemption, or the six months immediately preceding the time when the deed or deeds mentioned in plaintiff's complaint were taken, and that no written notice was served on the defendant, or owner or occupant of said lots or lands, by the holder of the tax certificate or certificates on which the tax deed was issued, three months prior to the issuing of said deed, as required by the provisions of chapter one hundred and thirteen of the general laws of 1867, and the amendments thereto."

Amended—
lands to be in
actual occupancy of defendant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 150.

[Published March 25, 1873.]

AN ACT to facilitate the collection of debts against certain contractors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Sub-contractor
may maintain
action against
principal.

SECTION 1. Any sub-contractor who shall have done work or furnished material at the request of, or upon contract with a principal contractor, for the construction, repair or removal of any building or machinery for this state, or for any county, town, city or village or school district therein, may maintain an action against such principal contractor and such state, county, town, city, village or school district, in the circuit or county court of the county where such work was done or such material delivered, by service of a summons and sworn complaint, in the manner provided by law for the service of summons and complaint in civil actions, stating the facts; and from the time of such service, such state, county, town, city, village or school district, as the case may be, shall be liable to such sub-contractor for the amount that may be found due or owing by such principal contractor to such sub-contractor, with all costs of such action, not exceeding the sum which it may owe to such principal contractor. If such state, county, town, city, village or school district shall give notice to such principal contractor of the commencement of such action, it need not make defense in such action after the date of such notice. Judgment shall be rendered in such action against such principal contractor for the amount found due to such sub-contractor, with costs of such action, also against such state, county, town, city, village or school district, as the case may be, for the amount for which it shall be liable as aforesaid, and payment of the amount of any such judgment by such state, county, town, city, village or school district shall relieve it from that amount of its indebtedness to such principal contractor. The principal contractor may at any time discharge such state, county, town, city, village or school district from such liability, by giving to the plaintiff in such action, and filing with the clerk of such court a bond, in such sum and with such sureties as the judge of such court shall approve, conditioned for the prompt payment of such

Judgment for
damages and
costs may be
entered.

judgment as shall be rendered in such action against such principal contractor, with all costs attending the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 151.

[Published March 14, 1873.]

AN ACT to incorporate the city of Neenah.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. From and after the last Monday of March, 1873, the district of country in the county of Winnebago, contained within the limits and boundaries hereinafter described, shall be a city by the name of Neenah, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Neenah, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of Winnebago and being all of the south half of sections twenty-three and twenty-two, all of the southeast quarter, and the east half of the southwest quarter of section twenty-one, all of sections twenty-six and twenty-seven, all of the east half and the east half of the northwest quarter and the east half of the southwest quarter of section twenty-eight, all in township twenty, range seventeen east, shall comprise the territory and limits of the city of Neenah.

Division into
wards.

SECTION 3. The city shall be divided into three wards, as follows: The first ward shall be all that portion of said city lying east of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the second ward shall be all that portion of said city lying west of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the third ward shall be all that portion of said city lying north of the center line of Fox river, and east of Little Lake Butte Des Morts.

• Corporate
authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

ELECTIONS.

City officers.

SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, one assessor for each ward, and one police justice for the city at large, who shall be ineligible to hold any other office, one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor, treasurer, two aldermen from each ward, police justice for the city at large, one justice of the peace for each ward, and one assessor from each ward. All other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council.

Elective officers.

Term of office.

All elective officers except mayor, treasurer and assessors, shall, unless otherwise provided, hold their respective offices two years, and until their successors are elected and qualified. The mayor, treasurer and assessors shall hold their respective offices for one year, and until their successors are elected and qualified: *provided*, that at the first charter election in said city,

there shall be elected one alderman from each ward for one year, and one alderman from each ward for two years, one of whom shall be designated supervisor, and shall represent his ward on the county board of supervisors; *and provided further*, that the aldermen, justices of the peace and assessors shall be residents and qualified voters in and be elected by their respective wards, and the mayor, clerk, treasurer and police justice shall be residents and qualified voters in said city.

SECTION 2. The qualified voters of the city of Neenah shall hold an election on the first Tuesday of April in each year, after the first, for the election of city and ward officers. Said election shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen and justice of the peace in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen, or said justice present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Neenah, the other to the county clerk for the county of Winnebago. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber, and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

When election
to be held, and
how conducted.

Inspectors.

Clerks.

Board of can-
vassers.

When polls
open.

How vacancies
filled.

SECTION 3. In the event of a vacancy in the office of mayor, police justice or alderman by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How election
determined.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

Who are qual-
ified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Challenge of
votes.

SECTION 6. If either of the inspectors of election or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or alderman, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election, and that you have resided in the city of Neenah and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury.

Punishment for
perjury.

For illegal vot-
ing

If any person not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which

he resides, or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their vote; and if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such prosecutions shall be tried in the circuit court for the county of Winnebago.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen and justice of the peace of each ward as inspectors, as provided by this act, and returns thereof shall be made in the same time, manner and form as of general or annual elections.

Special elections.

SECTION 8. There shall be elected annually (after the first election), on the first Tuesday in April, one alderman in each ward who shall hold his office for two years.

Annual elections of aldermen.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the second Tuesday of April next, after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

When office deemed vacant, and how vacancy filled.

SECTION 10. The term of every officer elected under this law shall, after the first election, commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year, and until his successor is elected and qualified. And each of said officers shall have such powers, and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent

Term of office.

Powers and duties of officers.

with this act, or which may not be incompatible with the nature of their respective offices.

When new election may be held.

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for.

Meeting of board of trustees to fix place of election and appoint inspectors.

SECTION 12. The president and board of trustees of the village of Neenah or a majority of them, at a meeting which shall be held by them on the fifteenth day of March, A. D. 1873, shall appoint a place in each ward for holding the first election of officers in said city, and shall appoint three inspectors and one clerk of election in each ward, and give notice of such election, stating the places where the same shall be held, and the names of the persons so appointed, at least four days previous to such election by publishing in a newspaper printed within the limits of said city; such inspectors shall, at such first election, have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the county clerk of Winnebago county, within two days after such election; within five days after such election, the board of canvassers of said county shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and ward, and shall cause such determination to be published in a newspaper printed in said city limits, and shall notify each of the officers of his election to his respective office, and the persons so elected shall hold their respective offices until the first Tuesday in April, A. D. 1874, and until their successors are elected and qualified.

Day of election.

SECTION 13. The first election of officers under the provisions of this act shall be held on the last Monday of March, A. D. 1873.

CHAPTER III

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Neenah a bond, in such sum and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Shall take oath
of office.

Shall execute
bond.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed two dollars per day, to be determined by the common council; and the said policemen for the respective wards shall receive the fees allowed by law to constables for the same services, and in addition, may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days, or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may, by ordinance, prescribe the powers and duties of the police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem

Duties of the
mayor.

Appointment of
policemen.

Special police.

Annual message.

necessary, and at all times, give such information as the common council may require.

President of
the council—
his election
and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Duties of the
city clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgements of deeds and other instruments.

Duties of the
treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as

often as required, and annually at least ten day before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

SECTION 6. The city attorney shall conduct all law business of said city, and the departments thereof and all other business in which the city shall be interested; when so ordered by the common council, he shall furnish written opinions upon subjects submitted to him by the mayor or council, or any department of the corporation. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be ordered by the common council, and to perform such other duties as may be prescribed by the ordinances of the city, or by any resolution of the common council.

Duties of the city attorney.

SECTION 7. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the powers of a constable at common law, or by the laws of the state, and receive like fees, but shall not receive any fees for serving any process, making any arrest or performing and [any] duties from the city of Neenah, except his per diem hereinbefore provided for, nor shall he go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city; the said policemen of each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers, and shall perform all the duties of a constable under the laws of the state of Wisconsin.

Powers and duties of the chief of police.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

The council may require other and further duties.

SECTION 9. The common council shall, at their first meeting, or as soon thereafter as may be, and annually thereafter, designate a newspaper printed and published in the city of Neenah, to publish all ordinances and by-laws, and to do all other printing under

Shall designate official newspaper.

the provisions of this act, but in no case shall the price paid be greater than the rates prescribed by law for similar printing. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavits of the length of time said ordinance, by-law or proceeding has been published, and such affidavits shall be *prima facie* evidence of the publication of such notice, ordinance, proceeding or by-law.

Shall deliver
property, books,
etc., to suc-
cessor in office.

SECTION 10. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers—
their powers
and duties.

SECTION 11. The mayor, sheriff or deputy sheriff of Winnebago county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private shall refuse or neglect to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

Powers and ju-
risdiction of
the police jus-
tice.

SECTION 12. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city; and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of Winnebago county. The police jus-

justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice; and it shall thereupon be the duty of the mayor to inform the chief of police of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall, for the time being, possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in, the same manner as from justices of the peace.

His compensation.

His substitute.

SECTION 13. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any cost for violations of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do.

Shall make quarterly report, and pay over all fines.

SECTION 14. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets, and a city surveyor, each one of which shall hold his office until the next third Tuesday in April, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

Election of street superintendent.

SECTION 15. The assessors shall assess all the taxable property of their said districts as required by law, and each shall complete and return the assessment roll to the common council on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make such

Duties of assessors.

Their compensation.

Board of equalization.

Duties of street superintendent.

City surveyor.

alterations and amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of three dollars each per day for time actually and necessarily spent in the discharge of their duties as assessors. The assessors, together with the mayor, or in his absence or disability, the president, city clerk and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.

SECTION 16. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with act.

SECTION 17. The city surveyor shall be a surveyor and engineer. He shall keep his office in a convenient place within said city, and the common council shall prescribe the duties and fix the compensation for any service performed by him. His surveys, profiles, plans and estimates made by him shall be the property of the city, and shall be carefully preserved in the office of the surveyor to the inspection of the parties interested, and together with all books and papers appertaining to his office shall be delivered over by the surveyor at the expiration of his term of office to his successor in the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

The common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Neenah, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members, may expel any member for cause.

Their regular meetings.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws,

Specific powers of the council.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within

To license shows and the sale of liquors.

the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

Restrain
gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent riots.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Suppress nau-
seous places.

4th. To compel the owner or occupant of any grocery, tannery, stable, barn, privy, sewer, cellar, tallow-chandler's shop, soap factory, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Locate mar-
kets, etc.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Provide for re-
pair of streets,
etc.

6th. To provide for the making, grading, improving and repairing of the streets of the city of Neenah, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatsoever.

Prevent horse-
racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets or on the bridges within said city, and to regulate the places of bathing and swimming in the waters within said city limits.

Restrain dogs.

8th. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Horses, cattle,
etc.

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

10th. To prevent persons from burying, depositing, Prevent deposit of putrid carcasses. or having within said city, or placing in the waters within or adjacent to said city, any putrid carcass, or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, Establish pounds, etc., and license draymen. wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, draymen, cartmen and cabmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

12th. To establish and regulate boards of health, Boards of health. provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for the public use, from taxation.

13th. To establish the size and weight of bread, Weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

14th. To prevent all persons riding or driving any Prevent driving on sidewalks. horse, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks.

15th. To prevent shooting off firearms or crackers, Shooting of firearms. and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

16th. To restrain drunkards, immoderate drinking Restrain drunkards. or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

17th. To restrain and regulate runners and solicitors Runners. for boats, vessels, stages, cars, public houses and other establishments.

18th. To make rules and ordinances for the government and regulation of the police of the city. Make rules, etc.

19th. To establish public markets and make rules Establish markets. and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of

such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

Regulate hay market, etc.

20th. To regulate the place or places and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of obstructions from sidewalks.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Prevent contagious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages, or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Regulate auctions.

23d. To regulate the time and manner of [holding] public auctions and vendues

Appoint watchmen.

24th. To appoint watchmen and prescribe their duties.

Regulate weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping for use any false weights or measures.

Control of waters.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired, or for any other purpose authorized in this act.

Set out ornamental shade trees.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Control public parks.

28th. The common council shall have authority to purchase, hold, improve and otherwise control the use and management of public parks for the use and benefit of the city, and shall make such needful regulations for the care and protection of all property of the city as shall be necessary.

29th. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, eight aldermen voting in the affirmative shall have power to re-pass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the city of Neenah, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

All appropriations, ordinances etc., to be passed by an affirmative vote and to be approved by mayor.

30th. The power conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill fame, disorderly taverns or houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, except as permitted by license, are hereby declared and shall be deemed public or common nuisances.

Abatement of nuisances at common law not barred by this act.

31st. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer or agent to exhibit his books, accounts and vouch-

Examination, adjustment and allowance of accounts.

ers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its number, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Laying out of
streets, public
squares, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city, as follows: Whenever ten or more freeholders, residing in any one ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residence of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such lands, or if a portion of such lands shall not be in actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice of appli-
cation to take
land.

SECTION 2. Such notice shall state that on a certain day, therein to be named, not less than ten days from the service of such notice, or the expiration of such

publication, as the case may be, application will be made to the judge of the circuit or county court of Winnebago county for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice herein required, the said judge shall thereupon appoint twelve respectable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises, to be specified in said precept, and to make return, under their hands, to the common council whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

Appointment of
jurors to view
premises.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed upon the precept.

How vacancies
filled.

SECTION 5. The said jurors, at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall view
premises in a
body.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Shall make report
as to necessity
of taking
premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and

If necessary,
then council
shall enter order
confirming
report.

return within the time limited such damages and benefits to the common council.

Value of buildings to be estimated.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to remove.

Personal notice to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove said building at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Buildings may be sold, on notice.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Determination and appraisal of damages.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their good judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owner or owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or

Shall include value of buildings.

buildings (if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall be in any case collected of them or payable to them.

Shall strike
balance be-
tween damages
and benefits.

SECTION 13. If the land or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

In case premis-
are owned by
different per-
sons.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in the order of their appointment, and thereupon, if the common council shall deem it expedient, they may, by ordinance, order such street to be opened or widened, or such improvements to be made, and an assessment made in pursuance of such award; and if the common council shall not deem it expedient to open or widen such street, or to make such improvements, they shall, by resolution, order all further proceedings upon such petition to be discontinued.

Shall assess
damages and
costs of pro-
ceedings.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, under the direction of the judge of the circuit court of Winnebago county, and then and not

Land not to be
used till dam-
ages are paid.

before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city.

How clerk to proceed in assessing damages.

SECTION 16. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land, subject to contribute to the payment of the same shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises liable to contribute, a certificate, stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land, shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes. The damages assessed shall be paid or tendered or deposited as herein required, within twelve months from the confirmation of such assessments and reports; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

When land is under lease, how affected.

SECTION 17. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

If only a part is under lease, that part only to be affected.

SECTION 18. When only a part of a lot or tract of land or other premises so under lease or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

If the owners are infants, how proceed.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under any disability, the judge of the circuit court of Winnebago county, or in his absence, the judge of any court of record in said county, may, upon the application of the common

council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Council may appoint new jurors, in case of failure to act.

SECTION 21. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the said jurors to the common council, appeal from said assessment of damage or benefit, to the circuit court of Winnebago county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal. After the award and assessments heretofore provided for shall have been made, and it shall have been found that the amount of each [such] assessments over and above the amount of the awards shall not be sufficient to pay the whole cost of any such contemplated improvement, the amount of such deficiency shall be assessed by the common council upon the city.

Owner may appeal from assessment.

May assess for deficiency.

SECTION 22. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made, under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

Shall cause survey to be made.

CHAPTER VI.

IMPROVEMENTS OF STREETS AND SIDEWALKS.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or re-construction of any sidewalk or gutter, or for grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not

Ordinances, etc., to be referred to committee.

be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Right to establish and re-establish grade.

SECTION 2. The common council of the city Neenah shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said common council shall have refused or neglected for three months to pay or settle the same.

Street superintendent to enforce ordinances.

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Grade, width and construction of sidewalks, to be controlled by council.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct said sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall

To be let to lowest bidder, after publication of notice.

be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same, at least five days in the official paper of the same.

SECTION 5. The common council shall have power, May order construction by two-thirds vote. by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Neenah, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until a tax for that purpose shall have been levied by the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Neenah, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the

Shall receive proposals.

When superintendent may order repairs, and assess owner therefor.

If owner refuse to pay, may levy special tax.

city of Neenah, the said superintendent shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Payment of
poll tax.

Assessors to
make out dupli-
cate lists.

Treasurer to
collect.

What process
shall be.

Shall make out
duplicate lists
each year.

Shall designate
the ward.

To be a distinct
fund.

SECTION 6. Every male inhabitant of the city of Neenah, over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of each of the assessors of the city of Neenah, during the month of May, 1873, to make out duplicate lists of all persons liable to said tax, and said assessor shall, on the first Monday of June, 1873, deliver one of said lists to the city clerk and one to the treasurer of the city of Neenah. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July, 1873, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Neenah. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessors shall also, at the time of assessing the annual taxes in each year after the year 1873, make out such duplicate lists of persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Neenah, and the city treasurer shall collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said treasurer, he shall prosecute for them in the manner hereinbefore provided. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out on itemized accounts of the street com-

missioner, certified to by the senior alderman of the ward in which said work is done, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city, in the ward in which he resides, under the direction of the superintendent of streets, and at such time as he shall direct, within the said month of July of each year, and the certificate of the superintendent of streets that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax.

Shall be a board
to determine
liability.

Treasurer's
fees for col-
lecting.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended, and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his

Superintendent
shall execute
bond.

His duties.

His fees.

Chief of police
may serve.

services as such superintendent, such sum per day as the council shall determine, not exceeding more than one dollar per day.

May advertise
for bids.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

May order work
done by a two-
third's vote.

SECTION 9. The common council of the city of Neenah shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed therein.

What costs to
be chargeable
to city and what
to owners.

SECTION 10. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The costs and expenses of opening, grading, graveling, planking, paving or repairing of streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley, or such portion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewers or gutters shall be constructed: *provided, however*, that when sewers and gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewer or gutter may be constructed; *and provided further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys

How sewers
and gutters to
be constructed.

and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public grounds.

SECTION 11. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvements to be done directly by and under the supervision of the street superintendent at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Shall cause estimate to be made and filed.

May authorize letting to lowest bidder.

May order work under their own supervision.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall present to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in

How expenses of deep cutting and filling to be borne.

them, shall examine the premises within a reasonable time therefrom, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land, and what lots and parcels of land on which so much of the work to be improved will be benefited by such grading or filling, and how much or what portion of such work shall be chargeable to them, and to make a report thereon in writing, as soon as practicable, but within ten days after such examination, to the common council; and the proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall refuse to do such work, and the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners are entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the execution of the petition: *provided, also*, that the petition of any person feeling himself aggrieved shall be received and considered the same be presented within twenty days after the publication of the notice requiring the same to be done, and *provided further*, that when it shall appear to the council that any such lands belong to non-resident owners or persons laboring under legal disability, and not being represented by any agent or guardian, the council may be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the city superintendent of the streets and city survey, and shall be approved by them before it shall be accepted by the council.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the same shall have been approved by the mayor, street

May require bond of petitioners.

How infants and non-residents notified.

Who to supervise work.

Shall be entitled to certificate for work done.

days of such work shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners are entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the execution of the petition: *provided, also*, that the petition of any person feeling himself aggrieved shall be received and considered the same be presented within twenty days after the publication of the notice requiring the same to be done, and *provided further*, that when it shall appear to the council that any such lands belong to non-resident owners or persons laboring under legal disability, and not being represented by any agent or guardian, the council may be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the city superintendent of the streets and city survey, and shall be approved by them before it shall be accepted by the council.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the same shall have been approved by the mayor, street

intendent and city surveyor, or such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Amount of certificate may be assessed on lots.

SECTION 15. The common council of the city of Neenah shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two nor more than five mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll of said property.

Shall determine and levy amount of highway tax.

SECTION 16. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out, and deliver to the city treasurer a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of such person or persons, corporation or corporations, to whom each item of taxable property upon said list is so assessed.

City clerk to make out list.

LAWS OF WISCONSIN—CH. 151.

SECTION 17. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which list shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

SECTION 18. The city clerk shall annex to each such tax list, a warrant, signed by the mayor and city clerk, which shall be [in] substance in the following form:

To A. B., Treasurer of the City of Neenah:

You are hereby required to collect from the several persons and corporations named in the annexed list, and from the owners of real estate described therein, the taxes set opposite to the names of said persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by

Dated — day of —, 18—.

—, Mayor.

—, City Clerk.

SECTION 19. The city treasurer shall have the powers and proceed to collect said taxes, in the manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect a portion of said tax, he shall, on or before the Monday in November in each year, make out an order to the city clerk of said city, a list of all unpaid taxes; which list shall contain the names of persons, corporation or corporations, and the description of all real estate and personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected, which said list shall be sworn to by said city treasurer before some officer authorized to administer oaths.

SECTION 20. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place a separate column on said roll, the amount of such delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

SECTION 21. The city treasurer shall credit his account in said city with the amount of such highway taxes collected by him therein, and all the moneys so collected shall be expended on the streets, highways and bridges in the wards where collected, in the manner provided in this act.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION 1. All the funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

City funds to be under control of council.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

How city debt to be authorized.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Fines, etc., to be paid into general fund.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

All property to be taxable.

Powers of the assessors.

SECTION 5. The fiscal year of the city of Neenah shall commence on the first day of September, on which day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year

Fiscal year—council to determine amount of tax.

May provide
for interest on
bonds.

City orders not
receivable for
school tax.

Shall be a lien
upon property.

Shall send copy
of assessment
roll to county
clerk.

May regard city
as a town.

Supervisors
may levy tax
regardless of
ward bounda-
ries.

then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Neenah; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the several school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Winnebago, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

SECTION 8. The board of supervisors shall have the right to regard the city of Neenah as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be cer-

tified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case, he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes.

City clerk to make out assessment roll.

May calculate all taxes together.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Tax list to be evidence.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

Shall make duplicate, and append warrant.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as other-

City treasurer, to collect tax.

wise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

When return to be made,

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Winnebago county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eighty-seven inclusive of chapter eighteen of revised statutes as modified by acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

Delinquent lands to be sold.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Neenah, at the same time and in the same manner as other delinquent lands are sold in said county.

Exempt property liable to special tax.

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and the improvement of the streets in front of the same.

Errors not to invalidate tax.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

Not to receive certificates for indebtedness.

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Winnebago, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes, greater than the amount determined upon as provided in the foregoing section five of this chapter for such purpose, together with the amount of money

Limit of city debt.

which may at any time be in the city treasury, derived from other sources than taxation.

SECTION 19. The common council shall have power, May levy tax to pay judgments. by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

SECTION 20. In case the city treasurer shall, at any time, refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy. Treasurer to be removed on failure to collect tax.

SECTION 21. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury. Accounts to be sworn to.

SECTION 22. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk, and upon the presentation of such order, the city treasurer shall pay the same to the holder thereof. All such orders shall be numbered in regular series, commencing with number one, and shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose, and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or paid on any city order or certificate whatever: *provided, however,* that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest [shall be paid] thereon as therein expressed. Conditions for payment of city orders. Orders to be numbered. When interest may be paid.

SECTION 23. No action shall be maintained by any person against the city of Neenah, upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council. How action to be maintained.

Determination
to be final.

SECTION 24. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-six of this chapter.

Not to entertain
account the second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again unless by unanimous consent of the whole council, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

May appeal
from disallow-
ance of account.

SECTION 26. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Winnebago, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Winnebago county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

How appeal to
be taken.

Shall give no-
tice.

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

CHAPTER VIII.

FIRE DEPARTMENT.

May prescribe
fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden

buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

SECTION 2. The common council shall have power May regulate building of chimneys, etc. to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SECTION 3. The common council shall have power May purchase engines and organize fire companies. to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

Appointment
and confirma-
tion of engi-
neers.

SECTION 4. The fire department shall, on the third Monday of March of each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

Of fire wardens.

SECTION 5. At the same time, or as soon thereafter as may be, the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe.

Punishment for
disobedience of
orders.

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fires shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

CHAPTER IX.

POLICE JUSTICE—HIS POWERS AND DUTIES.

Jurisdiction of
the police jus-
tice—when ex-
clusive.

SECTION 1. The jurisdiction of the police justice of the city of Neenah shall be co-extensive with the county of Winnebago, and the said police justice shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city, under the laws in which justices of the peace have jurisdiction, and according to this act.

When concu-
rent.

SECTION 2. The said police justice shall have jurisdiction concurrently with the circuit court in all cases of larceny, where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *provided,*

that nothing herein contained shall be so construed as to give said justice jurisdiction of offenses punishable by imprisonment in the state prison.

SECTION 3. The punishment for such larceny shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, in the discretion of the court. The police justice shall have jurisdiction, concurrently with the circuit court within said county, of all offenses mentioned in sections fifty-six and fifty-seven, chapter one hundred and sixty-five of the revised statutes of the state of Wisconsin, where the value of the wood or timber cut, or the mineral or earth dug or carried away, shall not be alleged to exceed the value of one hundred dollars; and in such cases the punishment shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months.

Punishment for petit larceny.

Concurrent jurisdiction specified.

SECTION 4. In all cases arising under the last two mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offense was committed, he shall join with his plea of "not guilty," a statement to that effect, and the court shall require him to enter into a recognizance with two sufficient sureties, who shall justify in double the amount of penalty named in the recognizance, for his appearance before the next term of the circuit court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the circuit court of Winnebago county, and the cause shall be tried in said circuit court upon the original papers filed with said justice.

May take recognizance and transmit papers to circuit court.

SECTION 5. The said police justice shall have jurisdiction of all actions for assaults, batteries and affrays, which trials, in such cases, shall be conducted according to the provisions of chapter one hundred and twenty-one of the revised statutes of Wisconsin.

Jurisdiction in case of assaults, etc.

SECTION 6. The said police justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Neenah, except so far as said laws conflict with the provisions of this act.

Laws relating to justices' courts applicable.

SECTION 7. The said police justice shall have jurisdiction to hear, try and determine all offenses mentioned in sections one to fourteen, inclusive, of chapter one hundred and sixty-nine of the revised statutes.

Jurisdiction of certain other offenses.

SECTION 8. The said justice may appoint a clerk, who shall have power to administer oaths. The ap-

May appoint clerk.

pointment of such clerk shall be in writing, under hand of said justice, and filed in the clerk's office of circuit court of Winnebago county.

CHAPTER X.

May change
boundaries of
school districts.

SECTION 1. The common council shall have power to change the boundaries of school districtuate within the limits of the city of Neenah; to create new districts, and to do all things in relation to the alteration, formation or consolidation of school districts, that the town board of supervisors can by law do, and whenever any territory lying within the limits of the city of Neenah forms part of a school district, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Neenah, to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All laws of the state in reference to the alteration or formation of school districts in conflict with the provisions of this chapter are hereby repealed, so far as they may be applicable to the defeat the provisions of this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Successor to all
the rights of the
village corporation.

SECTION 1. The city of Neenah shall be, and is hereby invested as the lawful owner and successor to all real and personal property, and all the rights and privileges belonging to the corporation of the village of Neenah, and such part of all the real and personal property, rights and privileges belonging to the village of Neenah, as is or may be contained in such portions of such organizations, and to be included in said limits, together with all the funds, revenues, debts and demands, due and owing to the said above-named organization, as a corporate body, which, by or under any former acts, ordinances, grants, donations, construction or purchases, have been acquired, vested or in any manner belong to said corporations or organizations of them, in the proportion that the whole valuation of each of such organizations is to the valuation of such

portion of such organization as is embraced within the limits of said city of Neenah, and the county equalization thereof, for the year 1872, shall be the basis of such proportion; and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said corporations, or either of them, may be continued, prosecuted, defended and completed in the same manner as if this act had not passed.

SECTION 2. The board of trustees of the village of Neenah and the board of supervisors of the town of Neenah, in the county of Winnebago, shall each of them at the time of making their annual statements of the financial condition of their respective organizations for the year 1872, as now required by law, cause a copy thereof to be made and filed by the clerk of each of said organizations with the city clerk of the city of Neenah, within ten days from the time of making such several statements; each of said statements shall show the total indebtedness of such organization at that time, and to whom or what such indebtedness is owing. If any of said indebtedness arises from outstanding orders, it shall give the number or numbers thereof, and the name of the person in whose favor each is respectively drawn. If any of said indebtedness arises from accounts audited and orders not drawn, it shall state the names of the persons to whom such accounts were audited and the amount thereof of each. If any of said indebtedness is for bonds, it shall give the amount of each, the time when due, the rate of interest, the date thereof, the time when interest is due and the amount of accrued interest thereon, and said statements shall each contain a detailed account of all the assets of each of said organizations; each of said statements shall also state whether any actions have been commenced against said organization or not, and if any action has been commenced, it shall give the names of the plaintiffs, the nature of the complaint, the name of the plaintiffs' attorney, the present status of the case, and the name of the attorney, if any, employed by the organization to defend.

Statements of financial condition to be made and filed.

How indebtedness to be classified.

SECTION 3. The village treasurer and village clerk of the village of Neenah, and the town treasurer and town clerk of the town of Neenah, in the county of Winnebago, and each and all of them shall, on or before the first day of May, 1873, deliver over to the city treasurer of the city of Neenah, all the moneys, books,

Village clerk and treasurer to deliver up books, etc., to city officers.

Forfeiture for failure to deliver over.

For what to be retained.

Circuit judge to appoint appraisers.

papers and property of every nature whatsoever in their hands, belonging to each of said organizations, of which he is the treasurer or clerk, and thereupon the city treasurer of the city of Neenah shall give to each of the said treasurers and clerks of said organizations, his receipt therefor, for the articles so delivered. In case any treasurer or clerk of either of said organizations shall fail, neglect or refuse to deliver over to the said city treasurer of the city of Neenah, any moneys, books, papers or property pertaining to each of their several offices as aforesaid, at the time or as required by section three of this chapter, then the officer so failing, neglecting or refusing shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and the aforesaid city officers may recover the possession of such moneys, books and papers, or other property of said organizations in the manner prescribed by the laws of this state; such books and papers as aforesaid shall only be retained by said respective city officers for the sole purpose of making an abstract of so much of such records and papers as shall pertain to highways now in said city, and a full and complete settlement between that portion of the town of Neenah which is in part included in the limits of said city of Neenah, and that portion of said organization which is outside of said city limits; and upon the completion of said settlement, said books and papers shall be delivered over to the proper officers of the said organizations as they may at that time exist, and all moneys that may be found due and owing on account of the proportionate value of any moneys or property which may have been owned in common at the time of the organization, of said city, shall be immediately paid over to the proper officer or officers; and the moneys, books and papers of the town of Neenah, and the village of Neenah, shall remain in the hands of said city officers.

SECTION 4. The judge of the circuit court for the county of Winnebago shall, at the next term of the circuit court held in and for said county after the passage of this act, appoint three persons whose duty it shall be to examine and appraise the value of all property of the said city of Neenah of which the said city may have become invested by virtue of this act; and said persons shall signify their acceptance of such appointments, and willingness to perform the duties incumbent therein writing, directed to the judge of said circuit court within five days after notice of such appointment;

such persons when so appointed, and having so accepted shall be styled "appraisers of the city property of the city of Neenah."

SECTION 5. Within ten days after such acceptance, said appraisers shall proceed to examine and appraise the value of all such property. The basis of appraisal of the true, equitable value of all such property shall be the then present value thereof, in its then present condition, for the proper uses of the city for which said property is to be used by said city: *provided, however*, that all highways (except bridges), and all works performed on highways, (except bridges), on parks and public grounds, and all work done thereon, shall not be considered city property for the purposes of such valuation.

What shall be the basis of appraisal.

SECTION 6. The said appraisers shall, within thirty days after such acceptance, make two reports of the value of all such property as found by them, one of which shall be filed with the city clerk of said city of Neenah, and the other shall be filed with the clerk of the circuit court of Winnebago county. In case the said appraisers shall not agree as to the value of such property, they shall each make separate reports of the value thereof, as found by each, and file the same as above provided, and the common council of said city shall decide as to which valuation of any of said property they will accept and abide by, and such decision shall be final.

Appraisers to make two reports.

SECTION 7. The appraisers shall receive such compensation for such services, as the common council of said city shall allow.

Their compensation.

SECTION 8. The city treasurer shall render to the common council of said city, at their first meeting held after the first day of May, 1873, a statement showing the amount of moneys and other property received from each of the treasurers and clerks of said organizations respectively, and the city clerk shall, also at such meeting, lay before the common council the statements of the financial condition of the several organizations, made as required by section two of chapter eleven of this act, and shall also lay before the said common council, the report of the appraisers appointed under the provisions of section four of chapter ten of this act.

Treasurer and clerk to make statements to common council.

SECTION 9. The common council shall thereupon proceed to make a just, fair and equitable settlement between the city and the several organizations from which the city was formed in part, and not included in said city limits, and any and all amounts found to be owing by said city to any portion of the territory out-

Council to make equitable settlement between city and other organizations.

side of the city, which comprised a part of an organization from which said city was formed in part, shall be paid by said city as soon as the said territory shall be reorganized, and proper officers elected and authorized to receive and receipt for the same. But if it shall be found upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was a part of an organization from which said city was formed in part, that portion of said territory so owing said part of said city shall pay the amount thereof to the city treasurer. And in case any portion of territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Shall adjust the difference in debts and credits, and levy tax to pay the same.

SECTION 10. The common council shall thereupon proceed to make a just, fair and equitable adjustment and settlement of the difference in debts and credits, which may there be found to exist, between the different portions or parts of territory which have by this act been formed into and constitute the city of Neenah, and shall, at their annual meeting, held in September, 1878, for the purpose of levying the general city taxes for that year, levy upon all of the taxable property of each of the said different portions, such an amount of tax in addition to the general city taxes for that year, as will make each of said portions equal in assets, (over and above all liabilities), with every or any other portion, organization or part of organization at the time of such settlement as aforesaid, so ascertained upon the basis aforesaid; and said tax shall be placed in a separate column upon said tax roll, and shall be collected at the same time and in the same manner as the general city taxes of said city, and the taxes thus collected, and the assets, over and above liabilities, shall be in the manner aforesaid adjusted and placed to the credit of the proper wards, as so much of each ward's proportion of the general city fund, to be used for general city purposes: *provided, however,* that not more than one per cent upon the assessed valuation of any such portion of said territory shall be levied in the year 1878 for such purpose. But in the event that said one per cent. tax shall not liquidate the full indebtedness of any portion of said territory so found, a further and sufficient sum shall be levied as aforesaid, upon the assessed valuation of each of such portions

as aforesaid, which shall be in arrear, in addition to the general city taxes of 1874, as will fully pay the entire amount so left unpaid.

SECTION 11. The common council of the city of Neenah shall have the same powers in relation to all school districts, situated in whole or in part within said city limits, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do. Powers in relation to school districts.

SECTION 12. All work for the city or either ward thereof shall be let by contract to the lowest reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work. All work to be let by contract.

SECTION 13. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Neenah against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city: *provided*, that before any person, other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly con- Actions to recover penalties.
How may be commenced and prosecuted.
Not to interfere with peace officers.

duct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

How judgment shall be entered.

SECTION 14. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Winnebago county for a term not exceeding three months; and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be, that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Not to make incompetent.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure to elect officers not to suspend corporation.

SECTION 16. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process against city served.

SECTION 17. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances and resolutions of said council may provide.

May hold property.

SECTION 18. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may improve or sell

and convey the same, and the same shall be free from taxation, while owned or held by said city.

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law. Not repealed by general laws.

SECTION 20. From and after the last Monday of March, 1878, the connection between the town of Neenah, included with the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Neenah, shall be performed by the aldermen of the wards and the other officers of said city, except as hereinafter provided. When connection dissolved.

SECTION 21. Every member of the common council of the city of Neenah, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court; and any contract made in violation of the provisions of this section shall be void. Penalty for voting illegal appropriations, by members of the council.

SECTION 22. The city of Neenah shall have authority to loan its credit for the encouragement of City may loan its credit. manufactories located within its corporate limits, for such sum and upon such terms and conditions as a majority vote of the legal voters may order and determine, not exceeding in amount for any one purpose one per cent. of its last assessed valuation.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed How licenses to be issued.

for and city clerk, and sealed with the seal of the city, but no such license shall be issued by the city clerk until the person applying for the same shall have deposited with the said clerk the sum of five dollars to the city treasurer for the amount required therefor, nor shall any license be issued for the sale of any intoxicating liquors, until the applicant shall have filed with the city treasurer, together with a bond, as required by law of this state, which bonds shall be approved by the city treasurer, and a sum not less than the minimum sum fixed by law in this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the city council at each regular meeting thereof, the licenses issued by them and not before reported, and the city council may approve or disapprove the same, and if the city council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the applicant of such license that the same has been disapproved by the action of the common council, and all such licenses shall thereafter be void, and the cost of the license money paid therefor, except the sum of five dollars therefor for the time said license was issued. § 24. The use of the jail of Winnebago county, otherwise provided, shall be granted to any person confined therein, and he shall be delivered to the sheriff of such county for his custody, safe keeping and delivery, and he shall be responsible as in other counties for the same, and no county shall incur or pay any expense on account of any person committing a violation of any ordinance, by-law or regulation of said city, but such expenses shall be paid by the person committing the same.

§ 25. No real or personal property of said town or city, individual or corporation, shall be levied upon or sold by virtue of any writ or process issued to satisfy or collect any debt, or to enforce the payment of any tax, of said city.

§ 26. When a judgment shall be rendered by any officer of said city in any action brought by or against him, in his name or office, no execution shall be paid by the city, no execution shall be awarded upon such judgment, unless the same shall be provided; but the same, unless otherwise provided, shall be collected and collected as other city taxes, and shall be paid by the city.

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the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

SECTION 27. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

Members of the council not to be appointed to office.

SECTION 28. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council at its next meeting, with his reasons therefor. All fines imposed by the police court of the city of Neenah, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecution in the city during the same year.

Mayor to have pardoning power.

SECTION 29. The common council shall have power, and it shall be their duty, to remove from office any policeman or watchman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

Power of removal.

SECTION 30. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity, or noisy, boisterous and disorderly conduct in the streets or public places of the city of Neenah, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Winnebago county for a term of not less than two days nor more than three months.

Punishment for drunkenness, etc.

SECTION 31. Whenever any complaint is made to the police justice of said city by any police officer,

Examination by justices, for offenses.

sheriff, deputy sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting of criminal actions before justices' courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act: *provided*, when the complaint is made by any person other than a police officer of said city, or sheriff or deputy sheriff of Winnebago county, the said justice, before issuing his warrant, may require security, as provided in section thirteen of chapter ten of this act.

General laws to be applicable in criminal suits.

Compensation.

SECTION 32. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twenty-one of this chapter.

Repealed.

SECTION 33. Chapter two hundred and twenty-one of the private and local laws of 1856, entitled an act to incorporate the village of Neenah, and all acts amendatory thereof are hereby repealed: *provided*, that such repeal shall not affect any act done or right accrued or established previous to the time when such repeal shall take effect, but every such act and right shall remain as valid and effectual as if the said act, and several acts amendatory thereof, had remained in force; *and further, provided*, that all officers of said village, now elected or appointed and acting, shall remain in their several offices until the several officers of the city of Neenah are elected or appointed, and qualified in pursuance to the provisions of this act.

SECTION 34. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1878.

CHAPTER 152.

[Published March 25, 1878.]

AN ACT to amend section twenty-four of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twenty-four of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon, is hereby amended by striking out the words, "chairman of the," where the same occur in the first line of said section, so that said section twenty-four, as amended, will read as follows: Section 24. The board of supervisors, clerk and assessors of each town, the mayor, clerk and assessors of each city, and the president, clerk and assessors of each incorporated village shall constitute a board of review for such town, city or village. The board of review shall meet annually, on the last Monday in June, at the town, city or village clerk's office. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be posted up by such clerks in at least three public places in each town, village or city, or ward thereof, at least four days prior to such meeting. The town, city or village clerk on said board of review shall be clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day, until its business is completed, and shall receive the same compensation as is allowed by law to assessors.

Amended—who shall constitute board of review, and their proceedings.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 18, 1878.

CHAPTER 153.

[Published March 25, 1873.]

AN ACT to provide for binding the British patent reports, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Shall bind patent reports.

SECTION 1. That the state printers be, and they are hereby directed to bind, in half calf binding, with paper sides, the British patent reports received, and those which may hereafter be received, by the State Historical Society; said binding to be done under the direction of the library committee of the Historical Society, with the approval of the governor.

Transfer of books.

SECTION 2. That the state librarian be and he is hereby directed to transfer from the State Library to the State Historical Society, the partial set of Silliman's Journal of Science, in order that the Historical Society may complete and continue the same.

Approved March 13, 1873.

CHAPTER 154.

[Published March 21, 1873.]

AN ACT to amend an act to incorporate the city of Grand Rapids, approved March 6th, 1860, being chapter two hundred and forty-seven, private and local laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended.

SECTION 1. The act to which this is amendatory is hereby amended by inserting therein, between chapters eight and nine, the following chapter, to-wit :

CHAPTER IX.

EDUCATION.

Declared separate school district.

SECTION 1. So much of the county of Wood as is or may hereafter be included within the corporate limits of the city of Grand Rapids, is hereby declared to

be a separate school district, the government of which shall be as hereinafter provided.

SECTION 2. On the third Monday of March next, there shall be elected by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office for one year and until his successor is elected and qualified. There shall also be elected on said day, and annually thereafter, by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office two years and until his successor is elected and qualified. The meeting for the election of said commissioners shall be held at the school house, situate in the second ward. The hour of said meeting shall be seven o'clock in the afternoon of said day. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk.

Election of school commissioners.

SECTION 3. At the first meeting of said commissioners after their election, to be held on the second Saturday of April in each year, they shall elect by ballot from their own number a president and treasurer, and at the same time they shall elect by ballot a superintendent of schools, who shall be ex-officio clerk of the board of education of said city. The president, treasurer and superintendent shall each hold his office for the term of one year and until his successor is elected and qualified.

Election of officers of the school board.

SECTION 4. The superintendent shall, within ten days after his election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk.

Shall take oath.

SECTION 5. No person in the city of Grand Rapids that holds any office under the city government shall be eligible to the office of commissioner of common schools, and no commissioner shall have or receive any compensation for his services as such commissioner or as a member of the board of education.

Office holders ineligible.

SECTION 6. Said commissioners shall, at their annual meeting in each year, to be held on the second Saturday of April, fix the salary of the superintendent for the ensuing year, and also to fix the amount of the official bond of the treasurer, which said bond must be executed with two sureties and approved by the said commissioners, before he enters upon the duties of his office.

Shall fix salary of superintendent and amount of bond.

SECTION 7. Whenever any vacancy shall occur in

vacancy.

board of education, the same shall be filled by

SECTION 8. The board of education shall have power to remove from office the superintendent or any other official misconduct or negligence, by a vote of two-thirds of its members, exceeding [excluding] the party on trial; but no member shall be removed without due notice, and a full and impartial hearing.

SECTION 9. The said commissioners of schools with said superintendent shall be a board known by the name of the "Board of Education of Grand Rapids" in relation to all powers conferred upon them by virtue of the laws of this state also as those conferred by any law of the state to common schools. A majority of the board shall constitute a quorum.

SECTION 10. The clerk shall keep a record of the proceedings of said board, and all the records and documents belonging thereto, which records, or a true and correct copy thereof, certified by the president and clerk of said board, shall be admissible in all courts as *prima facie* evidence of the facts therein set forth; and such records and accounts of said board shall be subject to the proper inspection of any elector of said city, and the said books, records and accounts shall be preserved by the clerk of said board and their successors until the first and fifteenth days of July of each year, when the said clerk shall cause to be taken a list of the children residing in said district, between the ages of five and twenty years, and report the same to the superintendent of public instruction, as required by section thirty of chapter twenty-three of the laws of this state; and he shall perform such other duties as may be prescribed by the board. He shall also have authority to administer oaths and affirmations.

SECTION 11. All moneys to be raised for the purposes of this act, and all school moneys appropriated to or provided for said city, shall be paid to the treasurer of said board, who shall give a receipt therefor to the proper officer, and who, together with the proper officer, shall be jointly and severally liable upon his bond as treasurer, and shall be liable therefor, in the same manner as the city is liable for moneys coming into the hands of the treasurer; and the said treasurer shall be liable for the same penalties for any official misconduct as the treasurer of the city.

SECTION 12. The board of education may cause a ^{May prosecute suits.} suit or suits to be prosecuted in their own name upon the official bond of their treasurer, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any money mentioned in this act.

SECTION 13. The superintendent of schools shall examine all teachers making application for schools (examinations to be public;) shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools. He shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least three times during each term, and report their condition to the board with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign him. The amount of his compensation shall be determined by the board of education, and the manner of its payment. ^{Special duties of the superintendent.}

SECTION 14. It shall be the duty of the superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October, in the year of its transmission, stating: ^{Shall make report—its contents.}

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers. ^{Number of schools.}

2d. The total amount of public moneys received for the use and benefit of such schools. ^{Amount of moneys.}

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years. ^{Number of children.}

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause. ^{Expenditure of moneys.}

5th. The amount of money raised in the city, and paid for teachers' wages in addition to the public mon- ^{Amount of money for specific purposes.}

eys raised therefor; the amount of taxes raised for the purchase of school house sites, for building, hiring, purchasing, repairing and insuring school houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

Expenditures
restricted.

SECTION 15. It shall be the duty of said board in all their expenditures and contracts, to have reference to the amount of moneys that shall be subject to their order during the then current year, for the particular expenditure in question, and not to exceed such amount.

Record to be
kept, and to be
evidence.

SECTION 16. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

School moneys
to be raised by
tax, and for
what purposes.

SECTION 17. The city council of said city shall have the power, and it shall be their duty to raise from time to time by tax upon the real and personal estate of said city which shall be liable to taxation to the amount of school moneys now or hereinafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes:

For sites.

1st. To purchase, lease or improve sites for school houses.

For buildings
and repairs.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances.

For apparatus,
etc.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same.

For fuel, etc.

4th. To procure fuel and defray the contingent expenses of the district library of said city.

For teachers'
wages.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *provided, nevertheless*, that no tax shall be laid for such purposes oftener than once in each year.

Powers of the
board.

SECTION 18. The said board shall have the power, and it shall be their duty:

1st. To establish and organize such and so many schools in different parts of the city as they shall deem requisite and expedient, and to allow and discontinue the same. Organize schools.

2d. To purchase or hire school houses and rooms, and lots and sites for school houses, and to fence and improve them as they may deem proper. Provide school houses.

3d. Upon such lots and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, out-houses and appurtenances as they may deem advisable. To build the same.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and to defray their contingent expenses, and the expense of the library. Purchase apparatus.

5th. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and see that the ordinances of the city in relation thereto are observed. Custody of school property.

6th. To contract with all teachers for said district from the number of those who shall have been licensed as herein provided, and at their pleasure to remove them. Contract with teachers.

7th. To pay the wages of such teachers out of the school money which shall be provided for said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section eleven of this act by tax upon the city. Pay their wages.

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk, treasurer and superintendent. Defray contingent expenses.

9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations, for the organization, government, instruction and reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, propriety and public utility. Have management and superintendence of schools.

10th. To sell, whenever in the opinion of the board it may be advisable, any of the school houses, lot, lots or sites or any of the school property now or hereafter belonging to the district. To sell property.

11th. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and To report ordinances, amount of money needed, etc., to the council.

preservation of school houses, lots and sites and appurtenances, and all the property belonging to the district connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually, on or before the first day of July, to determine and certify to said common council, the sums in their opinion required or proper to be raised, under the ninth section of this act. The schools established or maintained under the provisions of this act shall be free and without charge to all children between the ages of six and twenty years, residing in the district, subject to such reasonable and proper classification as the board may order.

Schools to be free.

May receive non-residents.

SECTION 19. Said board of education shall have power to allow the children of persons not residing within the city to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe.

Shall be trustees of library—their duties as such.

SECTION 20. The said board of education shall be trustees of the district library in said city, and all the provisions of law which now are or hereafter may be passed relating to district school libraries, shall apply to the said board in the same manner as if they were the trustees of an ordinary school district. They shall also be vested with the discretion as to the disposition of the money appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty whenever they shall deem it advisable to provide a library room and all the necessary furniture therefor, to appoint a librarian, to make all purchases of books for the said library, and from time to time to exchange or cause to be repaired, the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books.

Shall publish report.

SECTION 21. It shall be the duty of the said board, in the month of March of each year, to publish a full report of their doings for the preceding year.

Subject to rules and regulations

SECTION 22. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of public schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Employment of teachers, and powers of the council, in relation to schools.

SECTION 23. The said board shall have power to employ teachers without any certificate of qualification from the town or county superintendent. The com-

mon council of the city of Grand Rapids shall have the power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school-houses, lots, sites and appurtenances, and all the property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city, and all such penalties shall be collected in the same manner in which the penalties for a violation of the city ordinances are by law collected, and when collected, shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other money raised pursuant to the provisions of this act.

SECTION 24. The title of the school houses, sites, lots, furniture, books, appurtenances and all other property in this act mentioned, shall be vested in the said board; and the same while used or appropriated for school purposes shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said board, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of the said city.

Title to school property vested in the board.

SECTION 25. Whenever any of the school property of said district shall be sold by said board, the proceeds shall be paid to their treasurer, and shall be subject to their order, to be expended by them for the use of said district; and all moneys to which the said district may be entitled, shall in like manner be paid over by the proper officer to the treasurer of the board, on his presenting an order therefor, signed by the president and clerk of the board, and the same shall be disbursed by him to persons who may present similar orders from said board to him.

Disposition of proceeds of sales.

SECTION 26. Said board of education is hereby authorized and empowered to raise by tax a sum not to exceed ten thousand dollars for the purpose of erecting and equipping a suitable building for a high school for said city, and to be expended for that purpose in connection with a sum of money hereinafter named, proposed to be given to said city in trust. The said school board shall be empowered to receive in trust, in behalf of the city, from John Lovington and Thomas B. Scott, executors of Lyman Howe, deceased, late of east St.

Amount to be raised by tax for high school house.

May receive bequest.

Louis, of the state of Illinois, the sum of ten thousand dollars and such interest as may have accrued thereon, donated by said Howe to the city of Grand Rapids, and to apply the same to the purposes hereinbefore named, and to enjoy the benefit of said fund so long as a high school shall be maintained in said city, and no longer, and said high school shall be called the Howe High School.

General provisions to be applicable.

SECTION 27. The provisions of the laws of this state relative to common schools, and which are not inconsistent with this act, shall apply to the district hereby established, but the superintendent shall not have power to alter the limits of said district.

County delinquent tax to be paid over.

SECTION 28. Whenever any money, orders or tax certificates shall be delivered to the city of Grand Rapids by the county, in payment of the taxes returned on the city delinquent list, it shall be the duty of the city treasurer to pay over that proportion of each of the money, orders, or tax certificates so received which may be due the board of education, to the treasurer of said board.

Amended—city limits, and powers of the corporation defined.

SECTION 29. Section one of chapter one of the act to which this act is amendatory is hereby amended so as to read as follows: Section 1. That from and after the first Tuesday of April next, all that district of country included in sections four, eight, west half of the northwest quarter of section nine, and sections seventeen and eighteen in township number twenty-two and section thirty-four of township number twenty-three, all north, of range number six east of the fourth principal meridian, which lies east of the Wisconsin river, in the county of Wood, shall be known and designated as the city of Grand Rapids, and by that name shall be capable of contracting and being contracted with, and suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; with power of purchasing, receiving, holding, occupying and conveying real estate and personal estate; and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Amended.

SECTION 30. Section two of chapter one of said act is hereby amended by inserting after the words, "to-wit," in the third line of said section, the following: "That part of section thirty-four in township twenty-three and section four, and the west half of the northwest quarter of section nine, in township number

twenty-two, all in range number six east, lying east of the Wisconsin river, and."

SECTION 31. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 13, 1873.

CHAPTER 155.

AN ACT to legalize the official acts of the trustees of the Baptist church in the village of Randolph, in the counties of Columbia and Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts and proceedings of R. ^{Official acts as} Isley, R. H. Walker and Abial Stark, as trustees of ^{trustees legal-} the Baptist church of the village of Randolph, in the counties of Columbia and Dodge, in selling and conveying certain real estate belonging to said church, in the year 1868, without application to and obtaining leave from the court, are hereby fully legalized and confirmed, and the deeds executed by said persons during said year 1868, as trustees, are hereby declared to be valid and binding, notwithstanding the provisions of the statutes in reference to the sale of church property may not have been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 156.

[Published March 25, 1878.]

AN ACT in relation to the education of children of the county poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall be deemed residents.

SECTION 1. Whenever any person of lawful school age shall be maintained at the public charge, such person shall be deemed for school purposes, residents of any school district in which they may habitually live.

What amount to be reckoned and allowed.

SECTION 2. In case the person be so maintained by the county, the county board of supervisors shall, for each year, allow to any district in which such person may attend school, an amount for each person so attending, which shall be equal to the amount expended in that year for each pupil in such district for school purposes, which amount shall be reckoned by the district officers, without reference to the number of pauper children attending the school, and in case such person be maintained by any town, such town board of supervisors shall allow to any district in which they attend school, an amount which shall be reckoned in the same manner as herein provided in cases where the pupils are maintained by the county.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1878.

CHAPTER 157.

[Published March 26, 1878.]

AN ACT to create a board of commissioners of bridges in the county of St. Croix, and to provide that certain bridges therein shall be county bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of commissioners—how constituted

SECTION 1. There is hereby created a board of commissioners of bridges in the county of St. Croix which shall consist of three members. That the chair-

man of the board of supervisors of said county shall, by virtue of his said office, be one of said commissioners and the chairman thereof, and that the other two commissioners of said board shall be elected by the electors of the county at the regular annual election in November of each year. The pay of said commissioners of bridges shall be such a per diem as the county board of supervisors of said county may determine, but shall not, for per diem, traveling expenses and all things connected with their duties as such commissioners, exceed the sum of one hundred and fifty dollars to any one commissioner in one year.

Their pay.

SECTION 2. That after the passage of this act, and until the next annual November election in said county, the sheriff of said county and the county treasurer shall, together with the chairman of the board of supervisors thereof, constitute such board of commissioners of bridges.

Who to compose first board.

SECTION 3. All of the bridges in said county now built, or which it may become necessary hereafter to build across streams which shall require a span of twenty feet or more, are hereby declared to be county bridges and shall be constructed, erected, repaired and maintained at the expense of said county.

All bridges declared to be county bridges.

SECTION 4. The said board of commissioners shall have charge and control [of] all the county bridges in said county, and it shall be their duty to see that all such bridges as are by this act made county bridges are erected and maintained at such places, and at such times as shall be for the best interest of the public: *provided*, the said board of commissioners of bridges may, upon the application of the town board of supervisors of any town in said county, authorize the said town board to make necessary repairs of any county bridge or bridges in their town, where the public good requires that they be immediately repaired: *provided*, the repairs upon any one bridge in any one year, made as above provided by the town board, shall not exceed the sum of fifteen dollars, which can be chargeable to the county, and the amounts expended by towns in repairs made in this manner shall be first audited by the said board of commissioners of bridges, and then by the county board of supervisors, and paid by the county.

Shall have charge of all bridges.

May authorize town supervisors to make repairs.

Limit of amount of repairs.

SECTION 5. Whenever the town board of supervisors of any town in said county shall determine that there are bridges in their towns needing repairs, or that new bridges need be erected that would by this act be county bridges, they shall notify the chairman of the

Supervisors shall notify commissioners of repairs needed.

Commissioners to determine whether they are county bridges, and need repairs.

When new bridges are needed, how proceed.

Shall advertise for bids, and award contracts

board of commissioners of bridges of said county, in writing thereof, designating the bridges needing repairs, or the site where new bridge or bridges should, in their judgment, be erected, together with an estimate of the cost of such repairs, or the cost of the construction of such new bridge or bridges; and that upon the receipt of such notice, the chairman of the board of commissioners of bridges shall, within ten days thereafter, convene said board and lay the matter before upon they shall personally make a careful the bridge or bridges claimed by said town board that a need repairs, or carefully inspect the site claimed by said town board that a new bridges should be erected. Thereupon the commissioners shall first determine whether said bridges already erected and needing repairs as are by this act made county bridges whether the bridge or bridges which the board desire to have erected are such as this act, be erected by the county, and if commissioners shall determine that said bridge or ing repairs, or to be erected, are such as by made county bridges, they shall next determine the bridges already erected need repairs, it is necessary that new bridges should be provided, that in cases where bridges shall be by freshets or ice, they shall be considered upon in the same manner as if they were ready erected and needing repairs.

SECTION 6. In case the said commissioners provided in the last section, shall determine already erected are such as by this act are bridges, and need to be repaired, they shall same to be repaired, and in case said commissioners shall decide, upon the application of any that it is necessary to build a bridge at them designated, and that the bridges need as by this act should be erected at the expense of the county, they shall make a report thereupon to the county board of supervisors, in writing, at their next annual [or] special meeting, setting forth the reasons which require the construction of such bridge or bridges, together with an estimate of the cost of the same; said county board shall thereupon act upon the same; and if the report of the commissioners be adopted by the county board of supervisors, the commissioners shall at once give public notice for at least two weeks, in some newspaper published in the county, that bids will be received at a certain time and place, for the erection

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and construction of said bridge or bridges, according to specifications to be furnished by said board, and that the job of erecting and constructing the same will be let to the lowest bidder; that upon receiving the bids therefor, the commissioners shall award the contract for the building of said bridge to the lowest responsible bidder, who will give satisfactory security therefor, to be approved by the commissioners, for the faithful performance of the work; but in case the board of supervisors shall refuse to adopt the report of the said commissioners, no bridge may be erected within one year upon the site designated by the bridge commissioners, at the expense of the county, but at the expiration of the one year, the town board may renew their application to said commissioners.

SECTION 7. The said board of commissioners shall make an annual report to the board of supervisors of said county, at their annual meeting in November, of their doings, with the amount by them expended in erecting, repairing and maintaining county bridges, together with an estimate of the amount necessary to be by them expended during the next ensuing year, and the board of supervisors thereupon shall levy a tax for that amount. shall make an annual report.

SECTION 8. The supervisors of said county shall, at their next annual meeting, levy a tax for the amount expended by the commissioners of bridges of said county, under the provisions of this act, up to the time of said next annual meeting. shall levy tax.

SECTION 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed so far as said acts shall be of any force or effect as to the county of St. Croix.

SECTION 10. This act shall take effect and be in force from and after the first day of June next.

Approved March 18, 1873.

CHAPTER 158.

[Published March 25, 1878.]

AN ACT providing for an abstract of tax sales in Sheboygan county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Shall make abstract of tax sales.

SECTION 1. It shall be the duty of the county clerk of the county of Sheboygan, state of Wisconsin, to make an abstract of tax sales, and post and note therein all sales made by said county for taxes, commencing with the sale of 1855, and to note in a conspicuous manner all deeds and redemptions, and it shall be the duty of said clerk to procure suitable books for such purposes, to be paid for from the county treasury; and as compensation for such service, the said clerk shall be paid the sum of five (5) cents for each tract entered in such abstract in each year, to be paid from the county treasury.

Compensation therefor.

Additional fees for redemptions

SECTION 2. Whenever redemptions are made, or deeds for taxes are executed, the clerk shall add to the fees now authorized by law for the same, the sum of five (5) cents for each tract so redeemed or deeded.

Shall keep up abstract.

SECTION 3. It shall be the duty of the said clerk, after the completion of such abstract, to keep up and maintain the same, and he shall receive no other fees for such service than that included in his annual salary.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

CHAPTER 159.

AN ACT to authorize C. S. Ogden and others to build and maintain a dam across Little Wolf river in the county of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

May build and maintain dam.

SECTION 1. C. S. Ogden, his associates, their heirs and assigns are hereby authorized to build and main-

tain a dam across the Little Wolf river on the northeast quarter of section thirty-four (34), in township twenty-four (24), range thirteen (13) east, for a term of fifteen years.

SECTION 2. Such dam may be erected to the perpendicular height of twelve feet: *provided*, that if the said dam shall cause the aforesaid river to overflow the land of any person except the proprietors of such dam, to the injury of the owner or owners thereof, said C. S. Ogden, his associates, their heirs and assigns shall pay in full all damages accruing at any time, in such manner, when such damages shall be determined by due process of law.

Height of dam,
and damages for
overflow of
land.

SECTION 3. The said C. S. Ogden, his associates, their heirs and assigns shall build suitable slides and gates in said dam, for the purpose of sluicing logs, lumber and timber over and through said dam, and shall keep the same in repair, and shall hold the water back for the purpose of sluicing and driving said logs, timber and lumber, and when the case may require, the said gates shall be closed for that purpose.

Shall build
slides and
gates.

SECTION 4. When the said C. S. Ogden, his associates, their heirs or assigns shall have completed said dam aforesaid, they are authorized and empowered to receive and collect from the owner or owners of logs, timber or lumber, passing through such slide or slides, the sum of two cents for each thousand feet of lumber, timber or logs, to be scaled or estimated as the parties may agree, and the said charges shall remain a lien on said logs, timber and lumber until the same are paid.

May receive
toll for use of
dam.

SECTION 5. The aforesaid C. S. Ogden, his associates, heirs, assigns or authorized agents, shall have full and complete control of said dam, and superintend all driving of logs, timber or lumber through the same.

Shall have full
control of logs,
etc.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

CHAPTER 160.

[Published March 14, 1878.]

AN ACT to amend chapter five hundred of the private and local laws of 1868, entitled an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof, approved March 6, 1868, and to declare the true intent and meaning of certain provisions therein contained.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When fiscal
year to com-
mence—deter-
mination of
amount and
levy of taxes.

For bonded
debt.

For school
purposes.

For cemetery
purposes.

For general
fund.

SECTION 1. The fiscal year of the city of Madison shall commence on the first day of September, on which day, or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison, shall be received, the city clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting, or within five days thereafter, the council shall, by resolution, determine what amount of money, including the estimated revenues of the city not derived from direct taxation, for the current fiscal year, will be required for all city purposes during that year; and the council shall thereupon, by resolution, levy a tax, which together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount two per cent. of the assessed value of the real and personal property of the city for that year. Of the amount so levied, a sum equal to six-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payment of interest and principal on the bonded debt of the city, so long as any such debt shall remain unpaid; and a further sum equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city (or such less sum as the board of education may, by resolution, determine to be sufficient) shall be set apart and used for the payment of the current and contingent expenses of the city schools, and for no other purpose whatever. And such sum as shall be included in the estimates made in pursuance of this section for Forest Hill cemetery shall be set apart and used for the payment of the expenses of the maintenance of said cemetery and for no other purpose. And the remainder of the tax levied under the provisions of this

section shall constitute the general fund of the city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two-thirds of all members of the common council.

SECTION 2. The provisions of section two of chapter twenty-two of the private and local laws of the year 1872, authorizing the council in cases of emergency or necessity to make temporary loans of money for current expenses not exceeding the sum of five hundred dollars per month during the year 1872, are hereby extended for the term of one year from January 1st, 1873, and all such loans shall be paid out of the taxes levied in the year 1873, for general city purposes. Provisions for loan extended.

SECTION 3. The city treasurer shall charge and collect no fee whatever on any tax paid on or before the 10th day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees, to be added to the amount of taxes and collected with the same, but the whole compensation of the city treasurer shall in no case exceed eight hundred dollars a year, and all fees collected by him exceeding that amount shall be paid by him into the general fund of the city. Fees of the treasurer.

SECTION 4. It is hereby declared that the true intent and meaning of section fourteen of chapter seven, of chapter five hundred of the private and local laws of 1868, entitled "an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof," was and is that five per cent. should be added to the taxes remaining unpaid upon all delinquent lands and lots returned by the city treasurer to the treasurer of Dane county, and said treasurer shall make his return to the treasurer of Dane county, of the taxes so remaining unpaid, adding thereto the five per cent. mentioned in this act. Meaning of certain provisions defined.

SECTION 5. No per diem whatever shall be paid to any police officer in the city, except in those cases where the mayor is authorized to appoint special police on election days or other public and unusual occasions, and in such cases no such special police shall be paid any compensation for such services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. Pay of regular and special police.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 7. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved March 13, 1873.

CHAPTER 161.

[Published March 25, 1873.]

AN ACT to amend section one of chapter one hundred and twenty-six of the general laws for the year 1870, entitled "an act to define the meaning of the term, 'fire department.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter one hundred and twenty-six of the general laws for the year 1870, is hereby amended by adding thereto the words, "and Ripon," and striking out the word, "and" in the twentieth line thereof, so that when so amended the provisional portion of said section shall read as follows: "*provided, however*, that nothing in this act shall be so construed as relating to the fire departments of the cities of Milwaukee, Fond du Lac, La Crosse, Janesville, Madison, Oshkosh and Ripon."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 162.

[Published March 26, 1873.]

AN ACT for the preservation of cranberries in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for
picking cran-
berries.

SECTION 1. Any person or persons who shall, at any time between the first day of June and fifteenth day of September in any year, gather or pick any cranberries off from state or unoccupied lands in the county of Burnett, and secrete, have in possession or offer for sale such berries in said county, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars nor less than five dollars, with costs of suit.

Possession
deemed evi-
dence.

SECTION 2. Possession of unripe cranberries during the time specified in section one of this act within the county of Burnett shall be deemed *prima facie* evidence

of the fact that the person or persons are guilty of a violation of the provisions of the preceding section.

SECTION 3. Any person who shall be convicted of any offense as provided in this act, shall stand committed to the county jail of the proper county until such fine, together with the costs of suit, are paid, or until properly discharged by the probate judge of said county of Burnett, or the justice of the peace by whom said person was committed.

Shall stand committed, after conviction.

SECTION 4. The probate judge of Burnett county may, at his discretion, appoint or deputize (not to exceed five in number) special constables or police for his county, whose special duty it shall be to apprehend and detect any person or persons violating the provisions of this act; and such constables or police are hereby vested with authority to arrest any and all persons in said county of Burnett, or on land adjacent thereto, whom they may find violating any of the provisions of this act, and bring them forthwith before said county judge or any justice of the peace in said county of Burnett, and then and there make complaint on oath as to the guilt of said person or persons under arrest; and for such services said constables or police shall be entitled, in addition to constables' fees (mileage excepted), to the sum of two dollars per day for every day's actual service between the fifth and fifteenth days of September, for which time he may be appointed: *provided*, said constable shall make an affidavit to the actual amount of service performed, and file the same with the clerk of the county board of supervisors, on or before the first day of November next following.

Judge may appoint special police—their duties and authority.

SECTION 5. The county board of supervisors are hereby authorized to audit the accounts of said constables or police appointed under the provisions of this act, in the same manner and at the same time that other county officers' accounts are audited.

Their accounts to be audited.

SECTION 6. Justices of the peace shall have jurisdiction to hear and determine all cases arising under the provisions of this act, and to order said constables to collect any fines levied, and to sell any and all berries by him seized under the provisions of this act, and to make due returns thereof, and to pay over to said justices all fines, together with the proceeds of all sales; and the said justice, after deducting his own fees, shall pay over the balance into the county treasury on or before the first day of November next following.

Justices to have jurisdiction.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

LAWS OF WISCONSIN—CH. 163.

CHAPTER 163.

[Published March 25, 1873.]

AN ACT in relation to the duties of the county clerk of
county of Polk.

*The people of the state of Wisconsin, represented in sen-
and assembly, do enact as follows :*

SECTION 1. The county clerk of the county of
is hereby authorized, by and with the consent of
county board of said county, to make an accurate
complete map of said county of Polk, in chart
containing all subdivisions of the county, post and
cipal roads, postoffices, towns, villages, natural fe-
and statistics, and to furnish, on demand, a copy
to each school district in said county, and a su-
tax shall be levied by each school district to
the same, when so ordered: *provided*, said tax sh-
exceed the sum of five dollars for each school di-

SECTION 2. Whenever important changes sh-
cur, requiring corrections or revision of said m-
shall be the duty of the county clerk to issue a ci-
to each school district board, describing the sam-

SECTION 3. This act shall take effect and
force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 164.

[Published March 1873.]

AN ACT to incorporate the city of Fort Howe

*The people of the state of Wisconsin, represented
and assembly, do enact as follows :*

CHAPTER I.

BOUNDARIES.

SECTION 1. All that district of country
county of Brown, contained within the limits
daries hereinafter described, shall be a city by

of Fort Howard, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Fort Howard, and shall have the ^{Name and powers.} general power possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal and alter the same at pleasure.

SECTION 2. The territory lying in the county of ^{City limits.} Brown, and included within the following limits, shall constitute the city of Fort Howard, to-wit: Bounded north by the waters of Green Bay, east by the Fox river, south by a line running through the center of private claim No. 13, on the west side of Fox river, and west by the west line of private claims numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, north half of 13, Dousman's claim and vacant strip, and the west line of lots numbered 2, 9, 25, 41, 58, 69, 75, 80, 83 and 100 of the late Fort Howard military reservation.

SECTION 3. The said city shall be divided into three ^{Division into wards.} wards, as follows, to-wit: All that part of said city lying north of private claim No. 1 and Desnoyer's addition shall be known and constitute the first ward; all that part of said city between the south line of Dousman's claim and the south line of Arndt's first addition to Fort Howard and the south line of the vacant strip shall be known and constitute the second ward; and all that part of said city between the south half of private claim No. 13, and the waters of the first slough and the north line of private claim No. 2 shall constitute and be known as the third ward.

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for city and ward ^{Time and place of annual election.} officers shall be on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such election and of the city and ward officers to be elected.

Elective and
other officers.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor for the city at large, three aldermen, one supervisor, one justice of the peace and one constable for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified.

Term of office.

How vacancies
filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by
ballot—the vote.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualifications
for office and
for suffrage.

SECTION 5. All officers provided for in this act, either for election or appointment, shall be at least twenty-one years old, citizens of the United States, and shall have resided at least one year in said city next before their election or appointment. All persons entitled to vote for county or state officers and who shall have resided in the city for three months previous to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law.

How election
to be held, and
how conducted.

SECTION 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective

wards, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their place as inspectors of election. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

SECTION 7. If either of the inspectors shall suspect that any person offering to vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year, within this city three months, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or information and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make

Challenge of voters.

Form of oath.

Punishment for perjury.

For illegal voting.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to indictment or information, and on conviction thereof shall forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments or informations shall be tried in the circuit court of Brown county.

The counting,
return and canvass
of votes.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after any election. The common council shall, on the Tuesday following such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his election.

Special elections.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen in each ward in the same manner and returns thereof shall be made in the same form and manner as general and annual elections and within such time as may be prescribed by ordinance.

Removal of officers from city or ward.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, and any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Election and classification of aldermen.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for three years; one alderman in each ward who shall hold his office for two years, and one alderman in each ward who shall hold his office for one year, and thereafter at each annual election, one alderman in each ward, who shall hold his office for three years; there shall each year also be elected a supervisor for each ward, to represent the city in the county board of supervisors, who shall hold his office one year.

The ballot.

SECTION 12. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot.

SECTION 13. At the first election aforesaid, there shall be written or printed or partly written and printed at the head of the votes for alderman for three years, the words, "alderman for three years," at the head of alderman for two years, the words, "alderman for two years," and at the head of the votes for alderman for one year, the words, "alderman for one year."

Ballots for aldermen.

SECTION 14. All the borough and ward officers of the borough of Fort Howard shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this act shall commence the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Present officers to hold over.

SECTION 15. All duties herein required of the borough council in regard to elections shall be performed, so far as may be necessary, by the present borough council in regard to the first election and the organization of the city government under this act.

To apply to present council.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1873. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter; and the justices of the peace now residing in the borough of Fort Howard shall hold their offices until their terms of office expire, in addition to any justices who may be elected under this act.

The first election under this act.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk marshal, constable, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Howard a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond, over and above all debts and exemptions, and said bonds

Shall take oath of office.

Certain officers shall execute bonds.

shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Powers and duties of the mayor.

SECTION 2. The mayor shall, when preside over the meetings of the common council, take care that the laws of the state and the ordinances of the city are duly observed and enforced, and all other executive officers of the city discharge their respective duties. He shall, from time to time, keep the common council such information and report such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of any other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have the right of veto in case of a tie. The mayor shall have the right to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days of the passage of such ordinance or resolution. If at the next session of the council on any day after the expiration of seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case of such objection, or such filing with the clerk, the ordinance or resolution, by the vote of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number as president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer who shall, for the time being, discharge all the duties of mayor. The president, or temporary presiding officer, while

may be over-
seen by them
as if perform-
ing city bonds
and other
duties for

shall be
presented to
under the name
of the mayor
shall be as valid
as if signed by
the mayor or
acting mayor

Section
shall be
in the
case

presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor, except the signing of city bonds; and the said common council shall also, at their first meeting in each year, elect a clerk and marshall for the city, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office of any town. The clerk shall have power and authority to administer oaths or affirmations.

Duties of the
city clerk.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of the justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto, they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council unless otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Justices of the
peace—their
duties and ju-
risdiction.

Constables.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty,

Duties of the
treasurer.

fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book, shall at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation except as herein otherwise provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns, and shall be ineligible for more than two terms in succession.

Powers and duties of the marshal.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in the city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and, within reasonable time, bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

The council may require other and further duties.

SECTION 9. The common council, at their first meeting in each year, as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing and publishing shall be let by contract to the lowest bidder or bidders.

Shall designate official newspaper.

SECTION 10. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Proof publication.

SECTION 11. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal to so deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall deliver property, books, etc., to successor in office.

SECTION 12. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract the common council may sue for, and recover the amount so paid, from the parties to such contract and the alderman interested in the same.

Aldermen not to be interested in contracts.

Peace officers—
their powers
and duties.

SECTION 13. The mayor or acting mayor, sheriff of Brown county, each and every alderman, justice of the peace, marshal, under sheriff, and deputy sheriff of Brown county, constables, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens and military companies. And if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor—
his duties.

SECTION 14. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

The council and
their ordinan-
ces.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the mayor and common council of the city of Fort Howard, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Their annual
and stated
meetings.

SECTION 2. The common council shall hold their first meeting in each year on the Thursday succeeding the second Tuesday of April, and thereafter stated meetings, at such times as they shall appoint, and the mayor may call special meetings by notice to each of

the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

SECTION 8. The common council shall have the management and control of the finances, except school moneys, and of all the other property of the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-laws,

Their general and special powers.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than twenty-five dollars or more than three hundred dollars, which license shall be paid into the general fund of the city, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the first day of May thereafter, on the applicant paying pro rata therefor, but no license shall be granted for a longer period than one year.

To license shows and the sale of liquors.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices,

Restrain gaming.

and all playing of cards, dice or other games with or without betting, and restrain, prohibit, press any person or persons from vending, giving or dealing in spirituous, fermented or vinous liquors, or any other articles, the sale of which is not lawfully licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Prevent riots.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

**Suppress nau-
seous places.**

4th. To compel the owner or occupant of any factory, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove the same from time to time, as often as it is necessary for the health, comfort and convenience of the inhabitants of said city.

Locate markets, etc.

5th. To direct the location and manage slaughter-houses and markets, and to establish and license venders of gunpowder, and the storage, keeping and conveying of gunpowder and other combustible materials.

**Prevent incum-
bering of
streets.**

6th. To prevent the encumbering of streets, walks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, boxes, lumber, pine wood, or any other material: stances whatever.

Prevent horseracing.

7th. To prevent horse-racing, immoderate driving in the streets, and to regulate the places for bathing and swimming in the waters within the said city.

**Horses, cattle.
etc.**

8th. To restrain the running at large of horses, swine, sheep, poultry and geese, and to regulate the distraining of the same.

Restrain dogs,

9th. To prevent the running at large of d-
to authorize the destruction of the same in a su
manner, when at large contrary to the ordinance

**Prevent deposit
of putrid car-
casses.**

10th. To prevent any persons from bringing or having within said city, any putrid or other unwholesome substances, and to require removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Establish
pounds, etc.,
and license
draymen.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Boards of
health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Weight of bread

14th. To prevent all persons riding or driving any ox, mule, horse, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Prevent driving
on sidewalks.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Shooting of fire-
arms.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain drunk-
ards.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Runners.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Establish mar-
kets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

License stalls.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors

Regulate weigh-
ing of hay.

as herein provided, and to appoint a lumber
gle inspector.

21st. To compel the owners and occupants
ings and grounds to remove snow, dirt or rubb
the sidewalks, streets or alleys opposite theret
compel such owner or occupant to remove from
owned or occupied by him, all such substance
board of health shall direct, and in his de
authorize the removal or destruction thereof
officer of the city, at the expense of such o
occupant.

22d. To regulate the construction of
wharves, extending into Fox river, within the
said city.

23d. To regulate, control and prevent the
of persons from boats or vessels, wherein are co
or infectious diseases or disorders, and to make s
position of such persons as to preserve the he
said city.

24th. To regulate the time, place and ma
holding public auctions or vendues.

25th. To appoint watchmen and prescrib
duties.

26th. To provide by ordinance for a stand
weights and measures, and for the punishment
use false weights and measures.

27th. To protect trees and monuments in sa

28th. To prescribe and regulate the constru
sewers within said city.

29th. To lay out, make, open, keep in repai
or discontinue any highways, streets, lanes and
and to keep them free from incumbrances and
tect them from injury.

30th. To alter or change the name of any st
the city.

31st. To establish wharf and dock lines up
banks of Fox river and the sloughs within said cit
restrain and prevent encroachment upon said ri
sloughs, and obstructions thereto; and to constru
ter or maintain, or cause to be constructed, altere
maintained, at the expense of the city or either
wharves at the foot of the streets along the bank
said river or sloughs.

32d. The common council shall have power to
vide for the holding of a police court in said city,
shall, in the month of April next, and biennially the
after, designate one or more justices of the peace
said city, who shall have exclusive jurisdiction as j

tices of the peace for two years, or until his or their successors are appointed, in all actions for the recovery of any penalty or fine, under all laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, it shall be filled by the common council, but the person so appointed shall serve for the unexpired term only.

38d. The said justice of the peace so designated, shall be styled "police justice," and shall hold a police court in said city, at such place as the said common council shall designate. The police justice.

34th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act or which may be vested in any officer of said city by any ordinance thereof. The passage, amendment and repeal of ordinances.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council; and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of publication thereof aforesaid, or a transcript of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered in the proceedings of the council. All appropriations, ordinances, etc., to be passed by an affirmative vote and to be approved by mayor.

Abatement of
nuisances at
common law
not barred by
this act.

SECTION 5. The powers conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examination,
adjustment and
allowance of
accounts.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners of each ward, marshal, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

May issue city
bonds.

SECTION 7. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

CHAPTER V.

FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except Control of city funds. school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any fund in the treasury belonging to the city. City orders shall be receivable for all city taxes, except City orders—for what receivable. school and special taxes for school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of the borough of Fort Howard or said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

SECTION 2. The common council of said city shall annually levy upon the taxable property of the city, to defray the current expenses of the city, a tax not exceeding one-half of one per cent, and for all other purposes, except for schools, bridges and the payment of principal and interest of any outstanding bonds, debts or obligations of said city or the borough of Fort Howard, a tax not exceeding one-half of one per cent. upon all the taxable property of said city. Annual levy of taxes.

SECTION 3. Whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied Special bridge tax. for such purpose, not exceeding two thousand dollars for any one year, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest and principal of any outstanding bonds now due or hereafter to become due, issued by the borough or city of Fort Howard or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which shall be due on such bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; and when so levied shall be

collected at the same time as other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

If account is disallowed, claimant may appeal.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of the city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by the city clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Notice of appeal and return of proceedings.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Limit of amount of recovery.

Actions against city.

SECTION 8. No action shall hereafter be maintained by any person against the city of Fort Howard, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Determination of council to be conclusive.

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim,

unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to such petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once a week.

Proceedings for laying out streets, public squares, etc.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Brown, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or take the same for the purpose specified in said petition.

What notice to contain.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve rep-

Judge shall appoint jurors to view premises.

utable freeholders, residents of said city, but residents of the ward in which such premises be, nor interested in the result of such application. The said judge or court commissioner shall upon issue his precept, directed to said jurors, requiring them within ten days to view the premises specified in said precept, and to make return their hands to the common council whether, in judgment, it is necessary to take said premises for purposes specified in such application, and the jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and truthfully to discharge their duties as jurors in the cases, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Service and return of precept.

SECTION 4. The city marshal shall serve the precept immediately on the jurors therein named, bringing the same to every one of them that can be found, and immediately after such service, he shall return said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Judge shall fill vacancies.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a return of such substitution shall be endorsed upon the precept.

Shall administer oaths.

SECTION 6. The said judge or court commissioner or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially charge the trust reposed in them.

Shall view premises and make report.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question, and hearing such testimony, the jurors shall make a report of the proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council with

time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter or such further time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jury shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Confirmation of report and order to again view premises.

May appoint new jurors.

SECTION 8. If there should be any building in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Value of buildings to be determined.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Notice of determination to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale

When council may sell building.

of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Final assessment of damages and benefits by the jurors.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter.

In case premises are owned by different persons, or incumbered.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award to be signed and returned.

SECTION 13. The award of said jurors shall be signed by them, and returned, together with the money taken, and the precept, to the common council within the time limited in such precept.

Any person may appeal from award.

SECTION 14. Any person whose property is or against whom any assessment is made may, ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Brown county, by causing written notice such appeal to be served on the of said city, and executing a bond in the manner prescribed in section six of chapter five of this act. Such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof within ten days, as aforesaid.

Damages to be paid before land is appropriated.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner

thereof shall be paid or, in case the said owner is unknown, deposited in a safe place of deposit, and it may be taken and applied, and the same in accordance with the laws and ordinances relating to streets, alleys and

SECTION 16. The money so rendered or deposited shall be paid from the confirmation of the court; and if not so paid, the proceedings in any such case shall be void.

SECTION 17. The confirmation herein required, at a public confirmation of such damages in any such case, shall have been so paid, and it shall be the duty of the common council, among their proceedings, to see that the same be paid for the purposes required.

SECTION 18. When the taking of other premises, under the same contracts or engagements, shall be taken by virtue of any other contracting party, or any other contracting party, shall upon the same premises, or upon other premises so taken, respectively cease at the expiration of the term of such contracts or engagements.

SECTION 19. When any premises are taken by virtue of any other contracting party, or any other contracting party, shall upon the same premises, or upon other premises so taken, respectively cease at the expiration of the term of such contracts or engagements.

SECTION 20. When any premises are taken by virtue of any other contracting party, or any other contracting party, shall upon the same premises, or upon other premises so taken, respectively cease at the expiration of the term of such contracts or engagements.

thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

To be paid within one year.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purposes required.

When paid, council to take land.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Lease or contract not to hinder taking of land.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

If only a part is under lease, how adjusted.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Brown county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a

How give notice to infants or non-residents.

guardian for such party, and all notices required by this act shall be served upon such guardian.

Shall cause
survey to be
made.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VII.

CITY IMPROVEMENTS.

Shall appoint
street commis-
sioner.

SECTION 1. The aldermen of the several wards shall appoint a suitable person to act as street commissioner in each ward; said aldermen shall prescribe his duties and fix his compensation, and they shall have the power to remove him whenever they see fit. The city clerk shall be the clerk of the street commissioners, and shall keep a record of their acts and doings, and shall keep and preserve all contracts, receipts and papers of each street commissioner. The several street commissioners shall make report in detail, to the council at their regular meeting in March in each year, of their acts and doings, books, records, papers, accounts, receipts and vouchers, for final settlement and adjustment.

May appeal
from act of
street commis-
sioner.

SECTION 2. Any person deeming himself aggrieved by an act of the street commissioners may, within ten days thereafter, by filing a written notice with the clerk of said city, appeal to the common council, who shall inquire into, examine and correct the act or order complained of, as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly, and if such person shall deem himself aggrieved by the determination of the common council upon such appeal, such person may appeal within ten days thereafter to the circuit court of Brown county, by complying with the provisions of section six of chapter five of this act.

The general
powers of the
street commis-
sioner.

SECTION 3. The said street commissioner shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters and sewers within his respective ward, and to direct and control the persons employed thereon. Whenever the street commissioners shall deem it necessary to construct or repair any sidewalk within their ward, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge. If such work

is not done in the manner and in the time prescribed, the commissioners shall cause the same to be done at the expense of the lot adjoining such sidewalk. The street commissioners shall not have power, except as hereinafter provided, to make and grade in the several wards of the city, any street, alley, public grounds, reservoirs, gutters or sewers, or to construct any sidewalk in their respective wards, unless the same has been first duly authorized by ordinance of the common council of said city: *provided*, nothing herein shall be so construed as to prohibit such street commissioners from making or causing to be made all necessary repairs to any sidewalk, street, alley, public grounds, reservoirs, gutters or sewers. No special improvement shall be ordered by the common council, exceeding in estimated cost of the sum of two hundred dollars, unless more than one half of the owners of the land to be taxed for such improvement shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of the aldermen elect. If, however, the common council order any special improvement to be made, or pass any ordinance or resolution requiring any special improvement to be done, the vote therefor of the aldermen shall be taken by yeas and nays, and entered upon the journal of the proceedings of said council, and no special improvement shall be valid or binding unless said vote be so taken and entered upon the journal.

Limit of special improvements, and how authorized.

SECTION 4. Opening, grading, working, graveling, planking or paving streets and alleys to the centre thereof, shall be chargeable and payable by the lots fronting on such street or alley; but no street or alley shall be graded, graveled, planked or paved except upon the petition of a majority of the property holders interested therein, or by a two-thirds vote of the aldermen elect. Sewers may be ordered by the street commissioners and built at the expense of the lots or parcels of lots or land benefited thereby, which shall be apportioned among said lots or parcels of lots or lands by the street commissioners: *provided, however*, that when sewers are constructed through alleys, no lots or parcels of lots shall be assessed therefor, except those situated in the block or blocks through which said sewers may be constructed; and when the sewers are constructed through streets, no lots or parcels of lots shall be assessed therefor except those situated in the blocks fronting on such streets; or, *provided further*, that in all cases when improvements or work of any kind are charged, by virtue of this section, upon lots

Street improvements—how chargeable.

Construction of sewers.

benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

Estimates of
improvements
to be made.

SECTION 5. Whenever the commissioners shall determine to make any public improvement, as authorized by sections three and four of this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the proportion to be assessed and charged to each lot, which estimate may be altered, amended or modified by the commissioners, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk, for the inspection of the parties interested.

Notice to owners.

The street commissioners shall give notice by advertisement for ten days in the official paper or papers published in the city of Fort Howard, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Notice of stagnant water.

SECTION 6. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health, by reason of stagnant water remaining thereon, or other cause, if residents, personally, if non-residents, in the official paper or papers published in the city of Fort Howard for ten days, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified; and if such nuisance shall not be abated or removed within the time specified, the street commissioners shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Shall give certificate to contractors.

SECTION 7. After the completion and performance of any contract entered into by the street commissioners for work chargeable to lots or lands, by virtue of this act, they shall give the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contract, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount shall not be paid before the time of making out the annual tax roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit the holders of such certificate, as other

taxes on real estate are collected by virtue of this act, and if the notice to do the work required shall have been given as herein provided, no informality or errors in the proceedings shall vitiate such assessment: *provided*, that in no event when the work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

SECTION 8. In all cases when work is ordered to be done by the owner of any lot under the provisions of this chapter, such owner may make an appeal as hereinbefore provided, at any time within twenty days after notice as aforesaid. Owners may appeal.

SECTION 9. The street commissioners of the several wards are hereby authorized to require, by such regulations as they may choose to adopt, the owners or occupants of the several lots within their respective wards to cleanse and repair the sidewalks, streets and alleys, and to employ any person or persons whose duty it shall be to make, repair and cleanse such streets, alleys and sidewalks. Whenever such regulations shall not have been complied with at some period prior to the time of the delivery of the tax list to the treasurer under the charter, it shall be the duty of the street commissioner to make a report to the city clerk of the amount of the tax properly chargeable against such lot for work done under this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots, and be levied thereon as a special tax, with all the legal consequences both as to collection of taxes and sale of the lot prescribed in this act for special taxes. Commissioners may order cleaning and repair of sidewalks, etc.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTION OF TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon town assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the Assessment, and collection of taxes.

duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable. \

Notice for hearing objections.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper, and shall fix a time and convenient place when he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations or reductions as justice or equity shall require: *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Return and equalization of assessments.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessor.

Additional assessments for omissions in previous years.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such tract or lot as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, leaving, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct: *provided*, that if

If tax is set aside, it may be relieved.

the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

SECTION 5. The mayor, city clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Meeting of the board of equalization.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Levy upon the assessment roll.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes to be recorded.

SECTION 8. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all the personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to be and remain a lien on real estate.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional column prepared for that purpose in the tax roll, setting down opposite the several sums set down, as the valuation of real and personal property,

City clerk to calculate and carry out tax.

the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Shall make duplicate copy.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such tax roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Shall affix warrant.

SECTION 11. To each assessment roll so delivered, a warrant, under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of tax warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Fort Howard in the county of Brown:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of — for county taxes, and the balance of said money you are required to retain and pay out, according to law; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to proceed and sell the several lots or parcels of land, or those parts thereof upon which said taxes or assessments shall remain unpaid, as provided by law, and to make due return of this warrant to the common council of said city on or before the first Tuesday of May next.

Given under my hand and the corporate seal of said city, this — day of —, 18—.

—, City Clerk.

Tax roll and warrant to be evidence.

SECTION 12. The said tax roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to apply.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in

said city, except as otherwise herein equally provided, and the city treasurer shall proceed to collect the taxes, and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the person so charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Treasurer to give notice of receipt of tax roll.

SECTION 15. Each and every lot or lots, or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of January next, after the levying and assessing of the same, shall be subject to sale as hereinafter provided.

Delinquent lots subject to sale.

SECTION 16. The city treasurer shall, immediately after said fourth Monday in January, make out a notice stating that the tracts and parcels of land specified in said tax roll, upon which the taxes shall not have been paid by that day, will be sold by him at public auction at the office of said treasurer in said city, on the first Tuesday of May next thereafter, and the next succeeding days, for the taxes, interest and charges thereon. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week for four successive weeks prior to said first Tuesday of May, and also at least four weeks prior to that day, post up copies thereof in three public places in said city.

Shall publish notice of sale of delinquent lots.

SECTION 17. On the day and at the place designated in the treasurer's notice, he shall commence, by public auction, the sale (and continue from day to day until the whole are disposed of), of all the tracts and lots, or parts thereof, upon which the taxes or assessments shall remain unpaid; the sale to be made for the smallest univided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate, containing the name of the purchaser, a description of the

Shall commence and continue sale.

Shall issue certificates of sale.

Shall keep a
record of sales.

premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale; and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

How lots may
be redeemed.

SECTION 18. Any lot or tract of land which shall be sold for taxes under this act or any portion thereof, may be redeemed within three years from the day of sale, and any time before the deed is executed, by the owner or any person interested therein, paying to the treasurer the amount for which the same was sold, together with the interest, at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within a year after such disability shall be removed.

Limit of time
of redemption.

SECTION 19. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser or his assigns, as herein provided.

Assignee entit-
led to deed.

SECTION 20. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

City may be
purchaser.

SECTION 21. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in its corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property, by virtue of this act, the city treasurer shall have the power to sell the same at public sale; and in case the city shall become

the purchaser of any real estate, at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold, and interest, and to endorse and transfer such certificates to the purchaser.

SECTION 22. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deed, so far as they affect the validity of the title conveyed by such deed.

Deeds to be
prima facie
evidence.

SECTION 23. The city treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes. He shall execute to the person so redeeming, a certificate, specifying therein the name of the purchaser of the land redeemed, and the amount of the redemption money paid, and shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor by him, and the time when paid. Said certificate shall be evidence of such redemption, and he shall keep an account thereof, and pay the same over on demand to the person entitled to recover the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Treasurer to
receive money
and issue cer-
tificates of re-
demption.

SECTION 24. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes and assessments paid to or collected by him after said second Monday of January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes and assessments, ten cents, (to be added to the amount of such tax or assessment and included in such certificate); for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same; the city treasurer

His fees for the
collection of
taxes and for
certificates.

Shall keep record of fees.

shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and when the amount thereof shall reach the sum of five hundred dollars, which sum is hereby intended to be the compensation of said treasurer, all sums received by him over and above that amount, shall be paid by him into the general fund of the city; and such book shall be opened at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than is hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties: *provided*, that the common council may, at their last regular meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, but in no case to exceed eight hundred dollars.

Shall be provided with books, etc.

Shall pay over state tax.

SECTION 25. The treasurer shall, on before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the real estate and personal property in said city.

Default of officer not to invalidate tax.

SECTION 26. All the directions hereby given for the assessing of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Shall tender amount due before commencing suit.

SECTION 27. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside, or to set up or interpose any objection to the title derived by virtue of any deed executed in consequence of the non payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes, that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

How proceed to collect personal tax.

SECTION 28. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he

shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may hereafter be passed amendatory to said acts, or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe penalties for the violation of any resolution or ordinance passed under this section. ^{May prescribe fire limits.}

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, ^{May take precautionary measures to prevent fires.}

and to provide penalties for the violation of any resolution or ordinance passed under this section.

May authorize
the formation of
fire companies,
etc.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded; and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and from military duty except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, military and jury duty, except as in cases before mentioned.

Exemption of
firemen.

Meeting for
election of officers.

SECTION 4. There shall be a meeting of the members of said companies on the first Tuesday of January, in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer and one assistant engineer, and one treasurer, and the common council shall thereupon confirm or reject such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nomination shall also be subject to the approval of said council.

Shall appoint
fire wardens.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Fines appropriated.

SECTION 6. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Punishment for disobedience of orders.

SECTION 8. The common council shall have power to organize a sack company, which shall be known by such name as they may select, and shall consist of not more than than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Fort Howard, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Organization of a sack company—its duties.

May adopt by-laws.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said fire department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engi-

Treasurer to give bond.

neer, and countersigned by the clerk of said department.

Secretary—his duties.

SECTION 10. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a secretary, who shall, on or before the first day of January in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

City clerk to keep record of members.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of Brown county, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of the county board of supervisors of said county, and said board shall not place the names of such persons on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any violations of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be by summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form: Form of summons

COUNTY OF BROWN—*City of Fort Howard*—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Fort Howard:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned one of the justices of the peace in and for said city, at my office in said city, on the — day of —, 18—, at — o'clock in the —noon, to answer to the city of Fort Howard in a plea of debt, to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this — day of — 18—. *J. P., Justice of the Peace.*

SECTION 4. Such summons shall be made returnable in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace. How made returnable.

SECTION 5. When action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

THE CITY OF FORT HOWARD against A. B.

In justices' court, before J. P., Justice

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which — is now in force. By reason of such violation, an action hath accrued to the city of Fort Howard, to recover of the defendant the sum of — dollars debt. Whereupon the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant for the complaint shall be made on oath of the Form of affidavit for warrant.

complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form :

THE CITY OF FORT HOWARD against A. B.

In justice's court, before J. P., justice.
COUNTY OF BROWN—ss.

—, being duly sworn, complains on oath to J. P., one of the justices of the peace in and for the city of Fort Howard, in said county, that A. B., on the — day of —, 18—, at said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which said — is now in force, as the complainant verily believes; and prays that the said A. B. may be arrested and held to answer to the city of Fort Howard therefor.

Subscribed and sworn to before me, this — day of —, 18—.

What complaint
shall set out.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant, substantially in the following form :

Form of war-
rant.

COUNTY OF BROWN, *City of Fort Howard*—ss.

The State of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Fort Howard, greeting :

WHEREAS, — has this day complained to me in writing, on oath, that A. B. did violate (here state the number of section of the ordinance, etc., as in complaint), which said — is now in full force as the complainant believes, wherefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Fort Howard, on the complaint aforesaid.

J. P., Justice of the Peace.

Proceedings
upon return of
warrant.

Upon return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall

direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the jail of Brown county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall (*be*) put in issue all subject matter not embraced in the action.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of the state. Printed copy to be evidence.

SECTION 8. Witnesses and jurors shall attend, before a justice of the peace, in all city and criminal suits, without the payment of fee in advance, or tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. No jury or witness fee to be tendered.

SECTION 9. In city prosecutions, the findings of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form: What findings of court shall be.

COUNTY OF BROWN, *City of Fort Howard.*

Form of execution.

The state of Wisconsin, To the sheriff or any constable of said county, or to the marshal of said city, and to the keeper of the common jail of said county, greeting:

WHEREAS, The city of Fort Howard, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against A. B., for the sum of — dollars, together with — dollars and — cents, costs of suit, for the violation of (section — of chapter —, of this

act, or section — of an ordinance of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said A. B., excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said A. B., and him convey and deliver to the keeper of the common jail of Brown county; and the said keeper is hereby commanded to receive, keep in custody in said jail, the said A. B., for the term of —, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this — day of —, 18—.
J. P., *Justice of the Peace.*

Form of commitment.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Defendant may appeal to the circuit court.

SECTION 10. The defendant feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment, to the circuit court of the county of Brown: *provided*, such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal shall be for trial without notice.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given by either party.

If judgment is affirmed, penalty to be enforced.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided

by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Not to make incompetent.

SECTION 14. All ordinances and regulations now in force in the borough of Fort Howard, and not inconsistent with this act shall remain in force until altered, modified or repealed by the common council, after this act shall take effect. Existing ordinances in force.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Suits to be prosecuted.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided. How serve process against city.

SECTION 17. Change of venue shall be allowed, and may be taken from police justices in all cases, in the same manner as before justices of the peace, as now provided by the general laws of this state; and in case the justice before whom the action is taken resides outside the city limits, nevertheless, such justice shall have full and complete jurisdiction in all respects, as freely as though he were acting justice of the peace of the city of Fort Howard, and shall be governed in all respects by the provisions of this act, and ordinances of the city of Fort Howard, and the by-laws and regulations of said city. How change of venue to be made.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury, for the use and benefit of said city, except as provided in chapter nine of this act. How penalties paid.

SECTION 19. In all cases when a defendant shall be convicted of any violation of any ordinance of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in Brown county jail, for any period not exceed- May sentence to county jail.

CHAPTER XI

PUBLIC SCHOOLS.

Shall elect
school commis-
sioners—their
term of office.

SECTION 1. The mayor and council of the city of Fort Howard, shall, at their first regular meeting after this charter shall go into effect, elect as school commissioner one person from each ward of said city, who shall hold office until the first Monday in July, 1874, and one other person from each ward, who shall hold office till the first Monday in July, 1875, and one person from the city at large, who shall hold office until the first Monday in July, 1876; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 1875, one from the city at large who shall hold office two years, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioner who shall be elected after the first election, shall commence on the first Monday in July in each year.

Shall form
board of edu-
cation.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of the city of Fort Howard," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Shall elect city
superintendent
—his term of
office.

SECTION 3. The school commissioners first elected under this act shall, at their first regular meeting, or within fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of July, 1873, and who shall hold his office until the first Monday of July, 1874, and thereafter, until his successor shall be elected; and thereafter the said board of education shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and the said superintendent shall continue in office for one year, and until his successor shall be elected, unless sooner removed by a two-thirds vote of the council, or by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

SECTION 4. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education (not including superintendent's salary), and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it: *provided*, *further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Shall elect president of the board—his duties.

SECTION 5. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Regular and special meetings of the board.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than two hundred and fifty dollars, to be paid quarterly, the amount of which shall be determined from year to year by the board of education.

Salary of superintendent.

SECTION 7. The duties of the board of education shall be as follows:

Duties of the board—to elect superintendent.

1st. To elect at their regular meeting in July, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that pur-

To decide upon number and make contracts with teachers.

pose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to the teacher.

To fix school terms, and uniformity in books.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text books at will.

To establish rules.

4th. To establish rules and regulations for schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

To make contracts and repairs.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school hours, such as lighting fires, sweeping school rooms, etc., and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To submit annual statement of teachers' wages, and estimate amount of moneys needed.

6th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose, they shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

Shall make statement of amount of repairs needed.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall

cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Orders for
teachers'
wages.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Members of
board not to be
contractors.

SECTION 11. The duties of city superintendent shall be as follows:

Duties of su-
perintendent—
to examine ap-
plicants.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

2d. To annul a teacher's certificate whenever he may think proper: *provided*, that such teacher shall have the right to appeal to the board of education.

Annual certifi-
cates.

3d. To visit each school department in said city at least once during each week.

Visit schools.

4th. To report for the consideration of the board of education, such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time, as he may think most beneficial for the schools in said city.

Report text
books.

Report condition of schools.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and to perform such other duties as may be required of him by the board.

Make statement of number of children.

6th. He shall, between the first and tenth day of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the 10th day of October in each year, make and transmit to the county superintendent a report containing the facts set forth in section forty-three of the general school laws, a copy of which report he shall present to the board of education at their first meeting thereafter.

Attend meetings and act as secretary.

7th. He shall attend all the meetings of the board of education, and act as secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

Books and papers to be turned over.

SECTION 12. The several school district clerks of the borough of Fort Howard shall, on or before the first Monday in July next, turn over all books and (*news*) papers in their hands to the board of education, and the several school district treasurers in like manner shall turn over all moneys, vouchers, books and papers in their hands, to the city treasurer.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Work to be let to lowest bidder.

SECTION 1. All work for the city or either of the wards, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contract.

How money appropriated.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How penalty remitted.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of the aldermen elect.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks, as they may deem necessary, and cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Brown.

May cause new survey to be made.

SECTION 5. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Survey to be evidence.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Brown county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade: *provided, however*, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city, from ordering or causing to be done the grading of any street within their ward to a temporary grade, to be established by such commissioners.

May establish grades and make profiles thereof.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

May hold property.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

Subject to special tax.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Fort Howard, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and

How lots shall be subdivided and platted.

alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporation making such plats, to submit the same to the common council of said city for approval; and if such plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed thereto or entered on such plat, it shall not be lawful for the register of deeds of the county of Brown to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred dollars nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same, being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one hundred dollars.

How deed or
lease real
estate.

SECTION 10. When the city of Fort Howard deeds or leases any real estate, or any interest therein owned by said said city, the party of the first part shall be the city of Fort Howard, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor author-
ized to execute
deed.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

City clerk to at-
tach copy of
ordinance.

SECTION 12. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease; and such copy so attached, and the record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

SECTION 13. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Failure of election not to dissolve corporation.

SECTION 14. No general laws of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment; and no general or local law of this state to divide this city or annex the same to any other city or town shall have effect without the consent of the people of the city of Fort Howard first had, by submitting such division or annexation to a vote of the people of said city, at a regular charter election of the city of Fort Howard aforesaid.

General laws not to repeal this act.

SECTION 15. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Limit of appropriation.

SECTION 16. The compensation of the mayor shall be fifty dollars, and that of the aldermen twenty-five dollars, and the assessor not more than one hundred and fifty dollars.

Pay of city officers.

SECTION 17. The common council shall have power to levy and provide for collection from every male inhabitant of said city, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots, lunatics and members of the fire department, a poll tax of one dollar and fifty cents. Said tax may be paid in cash, or commuted for in labor at the rate of one dollar per day. The said common council shall have power to appoint some proper person or persons to collect said tax, fix his or their pay therefor, and pass or adopt any needful regulations to provide for and enforce the collection of the same, not inconsistent with the constitution or laws of this state.

Shall levy and collect poll tax.

SECTION 18. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts

Conflicting acts repealed.

shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating the borough of Fort Howard, or any amendments thereto; but they shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 19. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 165.

[Published March 26, 1878.]

AN ACT to amend chapter one hundred and eighty-eight of the general laws of 1872, entitled "an act to provide for the incorporation of villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 28
amended.

SECTION 1. Section twenty-eight of chapter one hundred and eighty-eight of the general laws of 1872 is hereby amended by inserting between the words, "treasurer" and "marshal," in the third line thereof, the words, "assessor, justice of the peace."

Section 29
amended.

SECTION 2. Section twenty-nine of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "treasurer," when it occurs in the first line of said section, the words, "assessor, justice of the peace."

Section 30
amended.

SECTION 3. Section thirty of said chapter one hundred and eighty-eight is hereby amended by inserting after the words, "police justice," in the first line thereof, the words, "and justice of the peace," and by striking out the word, "his," in the first and second lines of said section, and inserting in lieu thereof the word, "their."

Section 38
amended.

SECTION 4. Section thirty-eight of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "office," where it occurs in the third line of said section, the following: "He shall assess and carry out such village taxes upon all the real and personal estate liable therefor, in the tax roll

of said village in like manner as by law provided for assessing and carrying out taxes in towns."

SECTION 5. Section thirty-nine of said chapter one hundred and eighty-eight is hereby amended by striking out the word, "receive," when it occurs in the first line thereof, and inserting in lieu thereof, the word, "collect"; and also by striking out the words, "received, raised, recovered or collected," when they appear in the second and third lines of said section, and inserting in lieu thereof the words, "due said village."

Section 39 amended.

SECTION 6. Section forty-one of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "act," where it occurs in the sixteenth line of said section, the following: "Subject to appeal as from judgments in justices' courts, except as hereinafter provided;" and by inserting after the word, "village," where it occurs in the twenty-third line of said section, the following: "The justice of the peace shall be elected in the same manner, be subject to the rules, and have the same jurisdiction as justices of the peace of towns."

Section 41 amended.

SECTION 7. Section forty-three of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "treasurer," in the first line thereof, the words, "assessor, justice of the peace."

Section 43 amended.

SECTION 8. Article three, section fifty-one of said chapter one hundred and eighty-eight is hereby amended by striking out the word, "hereinafter," where it occurs in the second line thereof, and inserting in lieu thereof the word, "herein;" and also by inserting after the word, "interest," in the eighth line thereof, the words, "when authorized by a vote of the people at a general or special election."

Section 51 amended.

SECTION 9. Section fifty-four of said chapter one hundred and eighty-eight is hereby amended by striking out all of said section after the word, "property," where it occurs in the eighth line of said section, and inserting in lieu thereof the words, "and shall not exceed one per centum of such valuation, except upon a vote of the people at a general or special election."

Section 54 amended.

SECTION 10. Section fifty-five of said chapter one hundred and eighty-eight is hereby repealed.

Section 55 repealed.

SECTION 11. Section fifty-six of said chapter one hundred and eighty-eight is hereby amended by adding thereto the following: "*provided*, that no such indebtedness shall be incurred or bonds issued until a proposition for incurring such indebtedness has been submitted to a vote of the people of such village and approved by them."

Section 56 amended.

Section 57
amended.

SECTION 12. Section fifty-seven of said chapter one hundred and eighty-eight is hereby amended so as to read as follows: "Section 57. The village assessor shall assess the personal and real property of said village at the time and in the manner provided for assessing towns, and shall receive therefor such sum as the board of trustees shall determine, not exceeding three dollars per day."

Section 74
amended.

SECTION 13. Section seventy-four of said chapter one hundred and eighty-eight is hereby amended by striking out the word, "town," in the second line thereof, and inserting in lieu thereof the word, "village."

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1878.

CHAPTER 166.

[Published March 25, 1878.]

AN ACT to amend section twenty seven of chapter one hundred and thirty of the laws of 1868, in relation to assessment and collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
assessor shall
take oath.

SECTION 1. Section twenty-seven of chapter one hundred and thirty of the general laws of 1868 is hereby amended so as to read as follows: The assessor shall take and subscribe an oath annexed to said assessment roll, which shall be certified by the officer administering the same, and shall be substantially in the following form:

Form of oath
annexed to as-
sessment roll.

STATE OF WISCONSIN, — county—ss.

We, — — — and — — —, assessors for the town of —, in said county, do solemnly swear that the annexed assessment roll contains, as we verily believe, a complete and perfect entry and list of all real property liable to assessment for the present year in said town or ward; the name of each person therein owning or having in charge personal property liable to taxation; the name of each stockholder and the amount of his stock in each incorporated bank in said town or ward; a correct description of the separated parcels of

real property assessed together last year, and now required to be assessed separately, with a proper division of the former consolidated valuation thereof; that we have as far as practicable, valued each parcel of real property from an actual view of such parcel; that we have, as far as practicable, personally viewed and inspected each article of personal property assessed by us; that the valuation of the real property, as set down in said roll, is as determined by us, or as corrected by the board of review; that the valuation of personal property and bank stock in said roll is as fixed by us, or as finally fixed by the board of review; that each and every valuation of property made by us is the just and equitable valuation thereof, as we verily believe.

Read to the affiant, and subscribed and sworn to before me, this — day of —, A. D. 18—.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 14, 1878.

CHAPTER 167.

[Published March 21, 1878.]

AN ACT to amend chapter two hundred and sixty-seven, private and local laws of 1858, entitled an act to incorporate the city of Stevens Point.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and sixty-seven Amended. of the private and local laws of 1858, entitled an act to incorporate the city of Stevens Point, is hereby amended by adding thereto the following chapter to be numbered as chapter ten (10) of said act.

SECTION 2. The public schools of the city of Stevens Point shall be under the general management, control and supervision of a board of education, consisting of two persons from each ward, to be elected by the legal voters of the different wards of said city, such elections to be by ballot, and to be conducted in the same manner, except as herein otherwise provided, as is provided by law for the election of school district officers. The first election under this act to take place at such place in the different wards and at such time

Board of education have supervision of schools.

The first election.

- within thirty days after the passage of this act as may be directed by the present director of the schools of said city, he first giving at least one week's notice of said election by publishing notice thereof in a newspaper published in the city of Stevens Point, and by posting three written or printed notices of such election in each of the wards of said city. The term of office of such board of education shall be for two years, except the board first elected, whose term of office shall continue till such time in July, 1875, as may be determined by the board herein provided for, for the biennial election of such board of education.
- Term of office.** SECTION 3. The members of the board of education shall, within ten days after such election and annually thereafter, organize by electing of their number a president, clerk and treasurer of said board, and shall have power to fill any vacancy that may occur in said board or in the offices thereof.
- Shall organize.** SECTION 4. The board of education of the city of Stevens Point shall report to the common council of said city, on or before the first day of September in each year, the amount of money required for the support of schools in said city, and it shall be the duty of said common council annually to levy and collect a tax (in addition to the tax to be levied for general city purposes), upon all the taxable property of said city, at the same time and in the same manner as other city taxes are levied and collected by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said board of education for the support of said schools: *provided*, that the said common council may, by a two-thirds vote, levy a tax for a greater or less amount for such purposes.
- Shall make annual report to the common council.** SECTION 5. It shall be the duty of the president of said board of education to preside at all meetings of the board, he having a vote on all questions coming before said board, and his duties as such president shall be, except as herein otherwise provided, the same as the duties of school director, but in the absence of the president from any of the meetings of said board, the board may appoint a president *pro tem*.
- Duties of the president.** SECTION 6. The clerk and treasurer of said board shall respectively possess and exercise all the powers, duties and privileges conferred by law upon the clerk and treasurer of a common school district, except so far as the exercise of such powers and duties are changed or may be inconsistent with the provisions of this act.
- Of the clerk and treasurer.**

SECTION 7. The annual meeting of the said board of education shall be held on the last Monday of June of each year, at ten o'clock A. M., at which time the clerk and treasurer shall make such reports to said board as are now required by law to be made at the annual meetings of school districts. The quarterly meetings of the board shall be held on the third Monday of July, the first Monday of October, January and April of each year, and they shall have power to adjourn from time to time. Special meetings of the board may be called by the president, or in his absence or illness, by the clerk, upon the written request of at least four members thereof or eight electors of the district, by personally notifying each member of the time and place of said meeting, or by leaving a written notice of the same at his residence or place of business, at least two days before the time appointed for such meeting.

The annual meeting.

Quarterly meetings.

Special meetings.

SECTION 8. The said board of education, and the president, clerk and treasurer thereof, shall respectively be liable to all the restrictions, penalties, forfeitures and fines imposed by law upon the board, director, clerk and treasurer of a common school district for neglect of duty or for illegal action, and the said board shall have all the powers and duties given by law to the boards of common school districts.

Liabilities of the board.

SECTION 9. Immediately upon the election of the board of education, provided for by this act, the present board having control of said schools, consisting of a director, clerk and treasurer, shall cease to act as such, and the sole control, supervision and management of said schools shall be vested in the board provided by this act, and the said director, clerk and treasurer shall, upon the order of the said board provided for by this act, surrender to the person or persons duly authorized by said board to receive the same, all moneys, books, papers or other property belonging to or owned by the present school district No. one (1) of the city of Stevens Point, which order shall be his or their receipt therefor, and upon his or their refusal to deliver up such moneys, books, papers or other property belonging to or owned by said school district, the said board are hereby authorized to institute legal proceedings to obtain the same.

Powers of the old board transferred to the new board.

SECTION 10. Nothing in this act contained shall be construed as taking away the general supervision of said schools from the county superintendent of schools of the county of Portage, but the same shall be under his general supervision, as heretofore.

Not to interfere with county superintendent.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 168.

[Published March 25, 1878.]

AN ACT to provide for finishing the state capitol, protecting the same against fire, for the improvement of the capitol park, and appropriating money to pay for the same

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May repair and complete capitol.

SECTION 1. The governor is hereby authorized to complete the state capitol, repair such parts as may be necessary for health and comfort, build a coal vault, and remove the steam boilers out of the capitol and reconstruct them in connection with the coal vault.

Construct water works.

SECTION 2. The governor is further authorized to construct suitable works to bring water to the capitol, to protect it in case of fire, and also for use about the capitol and grounds in the park.

Let work to lowest bidder.

SECTION 3. The governor shall adopt suitable plans, and let the work to the lowest bidder in all cases where he shall deem for the interest of the state, and shall require the completion of the same on or before the first day of September next.

Park improvement to be completed.

SECTION 4. The park commissioners appointed under an act to provide for the improvement of the capitol park, approved March 22, 1872, are hereby authorized to complete the improvements according to the plan and plat established by and under said act, in accordance with the requirements and provisions thereof, as soon as may be consistent with the proper conducting of the work.

Appropriation.

SECTION 5. For the payment of the work named in this act, as the same progresses, there is hereby appropriated out of the state treasury a sum sufficient to pay for the same, not exceeding twenty-six thousand eight hundred and fifty dollars, together with the balance unexpended, heretofore appropriated to build the park fence, to be drawn on the warrant of the governor.

SECTION 6. This act shall be in force from and after its passage.

Approved March 14, 1878.

CHAPTER 169.

[Published March 19, 1878.]

AN ACT to revise the charter of the city of Chippewa Falls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

THE CITY OF CHIPPEWA FALLS—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Chippewa hereinafter described, shall be a city by the name of Chippewa Falls, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Shall be a municipal corporation.

Name and powers.

CHAPTER II.

CITY AND WARD BOUNDARIES.

SECTION 1. The south half of section number thirty-one (31) and the southwest quarter of section thirty-two (32), of township number twenty-nine (29), range number eight (8); also east half of section number one (1) and all of lots numbered one (1) and two (2), of section number twelve (12), in township number twenty-eight (28), range number nine (9); all of section number six (6) except lot number one (1) in said section; also lot number four (4), in section number seven (7), and lots number five (5) and six (6), and west half of northwest quarter and northeast quarter of northwest quarter of section number (5), all in township number twenty-eight (28), range number eight (8) west, shall

City limits.

be included in and constitute the limits of the city of Chippewa Falls.

Division into
wards.

SECTION 2. The city shall be divided into two (2) wards, called first and second wards, limited and bounded as follows: All that portion of said city lying north and east of a line drawn through the center of Bridge street, lengthwise, shall constitute the first ward; and all that portion of said city lying south and west of a line drawn through the center of Bridge street, lengthwise, shall constitute the second ward.

CHAPTER III

ELECTIONS.

Time and place
of annual elec-
tion.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

Elective and
other officers.

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a police justice for the city at large, three aldermen, one justice of the peace and one constable for each ward, and one assessor for each ward. The mayor, treasurer and police justice shall be qualified voters and freeholders in the said city, and the ward officers shall be qualified voters and freeholders in the ward for which they were elected.

Term of office.

All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

city: SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer, police justice or alderman, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How vacancies filled.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

Elections by ballot—the vote.

SECTION 5. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year previous to the election, and for six months in the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office hereby created.

Qualifications of voters.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective wards, and shall take the usual oaths or affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

How election held and conducted.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United

Challenge of voters.

Form of oath.

Penalty for
false oath.

For illegal vot-
ing.

The counting,
return and can-
vass of votes.

Special elec-
tions.

States (or have declared your intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year, within this city one year, and within this ward six months next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Chippewa.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner and

the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Removal of officers from city or ward.

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for three years, and thereafter at each annual election, one alderman from each ward who shall hold their offices for three years: *provided*, that the aldermen now elected for two years shall hold their offices until the time for which they were respectively elected shall expire. Election and classification of aldermen.

SECTION 12. The mayor, alderman, treasurer, justices, constables, members of the county board of supervisors from each ward, and assessor, elected on the fourth day of January, A. D. 1871, and the alderman whose term of office would expire on the first Monday of February, 1872, shall hold their offices until the second Tuesday in April, 1872; and the aldermen whose terms of office would expire on the first Monday of February, 1873, shall hold their offices until the second Tuesday in April, 1873; and the aldermen whose terms of office would expire on the first Monday of February, 1874, shall hold their offices until the second Tuesday in April, 1874, or until their successors are elected and qualified. Terms of office fixed.

SECTION 13. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot box. The ballot.

SECTION 14. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given. On failure to elect may order new election.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first Tuesday of April, A. D. 1873: *provided*, that any officer heretofore elected for a longer term than one year, and whose term of office shall not have expired, shall retain his office for the full time for which he was elected. The first election under this act.

CHAPTER IV.

OFFICERS—THEIR POWERS AND DUTIES

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except the clerk of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer, with the clerk of the city; and the treasurer, marshal, constables, and such other officers of the common council may direct, shall severally, enter upon the duties of their respective offices, and give to the city of Chippewa Falls a bond, with two sureties, who shall swear that they will faithfully perform the aggregate, the penalty specified in said bonds shall contain such penal sum and such conditions as the common council may deem proper; and from time to time, require new additional bonds from any officer refusing or neglecting to give the same.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, keep the common council such information and report such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of any riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have the power of veto only in case of a tie. The mayor shall have the power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. If at the next session of the council on any day after the expiration of the same, and before the expiration of seven days, such notification shall be made with the city clerk a copy of his objections; and if the council shall not, within one week after the filing of such objections, or such filing with the clerk, pass such ordinance, or pass such resolution, by a vote of two-thirds of the aldermen elected, the same shall be deemed to have been passed.

SECTION 3. The mayor shall have the power to remove from office any officer refusing or neglecting to give the same.

null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board, or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them or any of them, shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall also, at their first meeting in each year, elect a clerk and a marshall for the city, also a chief engineer and a first and second assistant engineers of the fire department, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

President of
the council—
his election
and duties.

SECTION 4. The clerk shall keep the corporate seal and the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed

The city clerk—
his powers and
duties.

in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace—their duties and jurisdiction.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of the justice of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council; and in addition thereto, they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council unless therein otherwise provided, and shall hold their offices in their respective wards for which they were elected. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

The city treasurer—his powers and duties.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book, shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation except as herein otherwise provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns: *provided*, that he shall receive no other fees except the compensation hereinafter provided.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and, within reasonable time, bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

The city marshal—his powers and duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

The council may require other and further duties.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Shall designate official newspaper.

SECTION 10. The city printer or printers, immediately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a

Proof of publication.

copy of such publication, with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Delivery of books, etc., to successor in office.

SECTION 11. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Aldermen not to be interested in contracts.

SECTION 12. No alderman shall be a party to, or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and the alderman interested in the same.

Peace officers—their powers.

SECTION 13. The mayor or acting mayor, sheriff of Chippewa county, and each and every alderman, police justice, justices of the peace, marshal, under sheriff and deputy sheriff of Chippewa county, constable, policeman and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens and military companies. And if any person, by-stander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

City surveyor—his duties.

SECTION 14. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of

said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

SECTION 15. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace in which the city is a party; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fees shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Chippewa Falls or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Chippewa Falls, and the same proceedings shall be had in all civil and criminal suits before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace: *provided*, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter or for any assault, battery or breach of the peace, or any affray not indictable committed within the city limits, no appeal shall be allowed when the judgment or fine imposed exclusive of costs, is less than fifty dollars. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, and said justice shall have power in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to

The authority,
powers and
rights of the
police justice.

Exclusive juris-
diction.

Prosecutions
for assaults, etc.

May enter costs
of prosecution.

Power in case
of contempt.

May appoint
substitute in
case of absence,
etc.

Fines to be a
part of city
funds.

Shall report
proceedings to
council.

give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city.

SECTION 16. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall at the same time account for and pay over to the city treasurer, all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of Chippewa, such fees in similar cases as are allowed to other justices in the county for similar services.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

The council and
their ordinan-
ces.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the mayor and common council of the city of Chippewa Falls do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter, stated meetings, at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Their annual and stated meetings.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other property in the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-laws,

Their general and special powers.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten-pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars or more than three hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the said first day of May of each year, on the applicant paying pro

The license of shows and the sale of liquors.

rata therefor, but no license shall be granted for a longer term or period than one year.

Prohibiting
gambling, etc.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

Prevent riots,
etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

Abate nauseous
places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Locate mar-
kets.

5th. To direct the location and management of slaughter-houses and markets; and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Prevent incum-
bering of
streets.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

10th. To prevent any persons from bringing, depositing or having within said city, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Prevent deposit
of putrid car-
casses.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Public pounds,
etc., and the li-
cense of hack-
men, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Establish
boards of
health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

The weight of
bread.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Prevent driving
on sidewalks.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

The shooting of
fire-arms.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Restrain drunk-
ards.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city.

Runners, etc.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from inter-

Establish mar-
kets.

rupting or interfering with the due observance of such rules and regulations.

License stalls. 19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Regulate weighing of hay. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors as herein provided, and to appoint a lumber and shingle inspector.

Removal of obstructions from sidewalks. 21st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Prevent spreading of contagious diseases. 22d. To regulate, control and prevent the landing of persons from boats or vessels, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Public auctions. 23d. To regulate the time, place and manner of holding public auctions or vendues.

Watchmen. 24th. To appoint watchmen and prescribe their duties.

Weights and measures. 25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use false weights and measures.

Trees and monuments. 26th. To protect trees and monuments in said city.

Sewers. 27th. To prescribe and regulate the construction of sewers within said city.

Lay out streets. 28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances and to protect them from injury.

Change name. 29th. To alter or change the name of any street in the city.

The passage, amendment and repeal of ordinances. 30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act or which may be vested in any officer of said city by any ordinance thereof.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council; and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter, they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Shall be passed by affirmative vote and be published.

How appropriations made.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Abatement of nuisances at common law.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursu-

The auditing and adjusting of accounts.

Exhibition of books.

ance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

The corporate authority—how vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled a mayor, in one board of aldermen consisting of three members from each ward, who, with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

CHAPTER VI.

FINANCE AND TAXATION.

Control of city funds.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund respectively, and all orders shall be payable to the persons or to the order of the person in whose favor they may be drawn, or bearer.

City orders—for what receivable.

Annual levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient to defray expenses.

Not to issue bonds, nor overdraw on city treasurer.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the

provisions of this act: *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected. Special bridge tax.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes when so levied shall be collected at the same time other city taxes are collected. For interest and principal on bonds. Limit of such tax.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf. Accounts to be verified.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. If account is disallowed, claimant may appeal.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance Notice of appeal and return of proceedings. Limit of amount of recovery.

made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

Actions against
the city.

SECTION 8. No action shall hereafter be maintained by any person against the city of Chippewa Falls, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city.

Determination
of council to be
conclusive.

SECTION 9. The determination of the common council disallowing in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however,* that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Proceedings for
laying out
streets,
squares, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in the actual occupation of any person,

then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice; or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Chippewa, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or take the same for the purpose specified in said petition. What notice to contain.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk. Judge shall appoint jurors to view premises.

SECTION 4. The city marshal shall serve his precept immediately on the jurors therein named, by reading the same to every one that can be found; and immediately after such service, he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon. Service and return of precept.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept. Judge shall fill vacancies.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be Shall administer oath.

taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors shall view premises and make report.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the

Confirmation of report and order to again view premises.

time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

May appoint new jurors.

Value of buildings to be determined.

SECTION 8. If there should be any building in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice of determination to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at

his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in the official paper or papers of said city, three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

When may sell building.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter.

Final assessment of damages and benefits by the jurors.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

When lands are held by different owners, or incumbered.

SECTION 13. The award of said jurors shall be signed by them, and returned, together with the testi-

Award to be signed and returned.

mony taken, and the precept, to the common council, within the time limited in such precept.

Any person
may appeal
from award.

SECTION 14. Any person whose property is taken or against whom any assessment is made may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Chippewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof within ten days, as aforesaid.

Damages to be
paid before land
is appropriated.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

To be paid
within one
year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

When paid,
council to take
land.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purposes required.

Lease or con-
tract not to hin-
der taking of
land.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

If only a part is
under lease,
how adjusted.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the

covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Chippewa county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

How give notice to infants or non-residents.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Shall cause survey to be made.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessors elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Assessment, levy, and collection of taxes.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment,

Notice for hearing objections.

and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require: *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Return and
equalization of
assessments.

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessors shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Additional as-
sessments for
omissions in
previous years.

SECTION 4. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relieved in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

If tax is set
aside, it may
be relieved.

Meeting of the
board of equal-
ization.

SECTION 5. The mayor, city clerk, city treasurer and the assessors shall constitute the city board of equaliza-

tion, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Levy upon the
assessment
roll.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes to be
recorded.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to be and
remain a lien on
real estate.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

City clerk to
calculate and
carry out tax.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treas-

To make out
duplicate copy.

urer on or before the second Monday in December in each year.

shall affix warrant.

SECTION 11. To each assessment roll so delivered, a warrant, under the hand of the city clerk, and the corporate seal of said city shall be annexed, substantially in the following form:

Form of tax warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Chippewa Falls in the county of Chippewa:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person and corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —, for state taxes, and the further sum of — for county taxes, and the balance of said money you are required to retain and pay out, according to law; and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Chippewa.

Given under my hand and the corporate seal of the city, this — day of —, 18—.

—, City Clerk.

Tax roll and warrant to be evidence.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws to apply.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes, and all assessments of said city in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Treasurer to give notice of receipt of tax roll.

Delinquent lots subject to sale.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said second Monday in January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

Treasurer's fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said second Monday in January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

SECTION 16. The treasurer shall, on or before the third Monday of January in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city.

Shall pay over state tax.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Default of officer not to invalidate tax.

Shall pay or
tender all taxes
before com-
mencing suit to
set aside sale.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside, or to set up or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such persons shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes, that remain unpaid upon such lot or tract, together with the interest and charges thereon.

Shall proceed
according to re-
vised statutes
in enforcing
collections.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

May prescribe
fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden building or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

May take pre-
cautionary mea-
sures to prevent
fires.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe

and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

SECTION 8. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and military duty except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years, in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

May authorize the formation of fire companies, etc.

Exemption of firemen.

SECTION 4. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any

Meeting for election of officers.

time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Fines appropriated.

SECTION 5. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Arrest for disobeying orders at fires.

SECTION 6. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the marshal, constable or watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Organization of a sack company—its duties.

SECTION 7. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chippewa Falls, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any service rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

May adopt by-laws.

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk of said department. Treasurer to give bond.

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk. Secretary—his duties.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Chippewa, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year. City clerk to keep record of members.

CHAPTER X.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or for- Actions to recover penalties.

feiture is claimed, and to give the special matter in evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF CHIPPEWA—City of Chippewa Falls—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Chippewa Falls:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace for said city, at my office in said city, on the — day of —, 18—, at — o'clock in the —noon of the city of Chippewa Falls in a plea of debt of said city, one hundred dollars or

Given under my hand, at the said city of — 18—. C. D., Justice

How made returnable.

SECTION 4. Such summons shall be made and be served in the same manner as is now may be prescribed by the laws of the state at the commencement of actions before justices of the peace; and all proceedings in the actions hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 5. When action is commenced by summons, the complaint may be substantially in the following form:

THE CITY OF CHIPPEWA FALLS against A. B.

In justice's court, before C. D., Justice.

The plaintiff complains against the defendant, for that the defendant, on the — day of —, 18—, at the said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which said — is now in force. By reason of such violation, an action hath accrued to the city of Chippewa

Falls, to recover of the defendant the sum of ——— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant for the complaint, it shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

Form of affidavit for a warrant.

THE CITY OF CHIPPEWA FALLS against A. B.

In justice's court, before C. D., justice.

COUNTY OF CHIPPEWA—ss.

———, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Chippewa Falls, in said county, that A. B., on the — day of —, 18—, at said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title,) which said — is now in force, as this complainant verily believes; and prays that the said A. B. may be arrested and held to answer to said city of Chippewa Falls therefor.

Subscribed and sworn to before me, this — day of —, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant, substantially in the following form:

What complaint shall set out.

COUNTY OF CHIPPEWA, *City of Chippewa Falls*—ss.

Form of warrant.

The State of Wisconsin, to the sheriff or any constable of said county, and to the marshal of the city of Chippewa Falls, greeting:

WHEREAS, ——— has this day complained to me in writing, on oath, that A. B. on the — day of —, 18—, at said city, did violate section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title, which said — is now in full force as the complainant believes; therefore, you are commanded to arrest the body of said A. B., and bring him

before me forthwith, to answer to the city of Chippewa Falls on the complaint aforesaid.

C. D., *Justice of the Peace.*

Proceedings
upon return of
warrant.

Upon return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Chippewa county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy to
be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

No jury or witness
fee to be
tendered.

SECTION 8. Witnesses and jurors shall attend, before a justice of the peace, in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

What findings
of the court
shall be.

SECTION 9. In city prosecutions, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Shall issue execution.

COUNTY OF CHIPPEWA, *City of Chippewa Falls*—ss.

Form of execution.

The state of Wisconsin, To the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting :

WHEREAS, The said city of Chippewa Falls, on the —day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —, for the sum of — dollars, and — cents, costs of suit, for the violation of (section — of chapter —, of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said —, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said —, and him convey and deliver to the keeper of the common jail in Chippewa county; and the said keeper is hereby commanded to receive, keep in custody in said jail, the said — for the term of—, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this — day of —, 18—.

C. D., *Justice of the Peace.*

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Form of commitment.

SECTION 10. In all cases where the fine is more than fifty dollars, the defendant may appeal from such judgment, to the circuit court of the county of Chippewa: *provided*, such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Defendant may appeal to the circuit court.

Appeal shall be
for trial with-
out notice.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

If judgment is
affirmed, penal-
ty to be en-
forced.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Not to make in-
competent.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Existing ordi-
nances in force.

SECTION 14. All ordinances and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Suits to be pro-
secuted.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

How serve pro-
cess against
city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

How penalties
paid.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury, for the use and benefit of said city, except as provided in chapter nine of this act.

All fire appara-
tus to be ex-
empt from exe-
cution.

SECTION 18. All fire engines, hose, carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Private property not to be levied on for public debts.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Chippewa county for any period not exceeding six months.

May sentence to county jail.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

Mayor may grant pardons.

CHAPTER XL

IMPROVEMENT OF STREETS AND SIDEWALKS.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or streets shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced shall have been published in the official newspaper of said city.

Ordinances for street improvements to be referred to committee and laid over.

SECTION 2. The common council of the city of Chippewa Falls shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has

Council may establish, change and re-establish grades.

been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Duty of marshal in relation to cleaning of streets.

SECTION 8. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept. The committee on streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Sidewalks, how to be constructed and repaired.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city; of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest, reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

How contracts let.

Proceedings for letting contracts for constructing and repairing streets and sidewalks.

SECTION 5. The common council shall have power by a vote of two thirds of all the members of the common council to order the building, construction, reconstruction or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular

provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the street committee will not cost to exceed the amount of five dollars, in front of any one lot to repair the same, he shall be authorized and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the costs of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Chippewa Falls, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said committee shall return said account to the common council with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

SECTION 6. The common council of said city shall have power, and may in its discretion by a vote of two thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

May advertise
for proposals.

May contract
for street im-
provements.

SECTION 7. The common council of the city of Chippewa Falls shall have the power by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

How costs and
expenses of sur-
veying and of
grading charge-
able.

SECTION 8. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading or graveling, planking, paving of streets and alleys shall be chargeable to the lots or lands fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley: *provided*, that the common council may order such cost and expense to be paid by the lots or lands fronting such streets or alleys by a pro rata tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and *provided, further*, that in all cases when improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

How sewers
and gutters
constructed.

Shall cause
estimates to be
made and filed.

SECTION 9. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of the parties interested before such work shall be ordered to be done. The common council may authorize the letting of such

May let work
by contract.

work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein

How expensed
of deep cutting
and filling to be
apportioned.

Assessment for work to be a lien upon property.

If lands belong to infants or non-residents.

street committee shall supervise work.

Contractors entitled to certificates for work done.

May be assessed as special tax.

provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; and *provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not to be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land, respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein pre-

scribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for, or on account thereof, or for any proceedings for the collection of the pay therefor.

SECTION 13. The common council of the city of Chippewa Falls shall, on or before the first Monday in May, in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two or more than five mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property. Shall determine and levy highway tax.

SECTION 14. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed. City clerk to make out highway tax list.

SECTION 15. The city clerk shall make a duplicate of such list; both of which shall be signed by the mayor, and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer. Shall make duplicate list.

SECTION 16. The city clerk shall annex to each such tax list, a warrant signed by the mayor and city clerk, which shall be in substance in the following form: Shall annex tax warrant.

To A. B., Treasurer of the city of Chippewa Falls:

Form of tax warrant.

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law,

and to apply the taxes by you so collected, and make due return thereof as required by law.

Dated — day of —, 18—.

— —, *City Clerk.*
— —, *Mayor.*

Tax collected same as general taxes.

SECTION 17. The city treasurer shall have the same powers and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes, which list shall contain the name of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected; which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Shall place delinquent tax in separate column.

SECTION 18. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

CHAPTER XII.

PUBLIC SCHOOLS.

Shall elect school commissioners—their term of office.

SECTION 1. The mayor and council of the city of Chippewa Falls shall, at their first regular meeting after this charter shall go into effect, elect as school commissioners one person from each ward of said city, who shall hold office until the first Monday in July, 18—, and one other person from each ward, who shall hold office till the first Monday in July, 18—, and one person from the city at large, who shall hold office until the first Monday in July, 18—; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 18—, one from the city at large, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioners who

shall be elected after the first election, shall commence on the first Monday in July in each year: *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are duly elected and qualified.

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "board of education of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Shall form board of education.

SECTION 3. The board of education shall, at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made, by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it: *provided, further*, that in the absence of the president, the board shall elect a president *pro tempore*.

Shall elect president of the board—his duties.

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them; and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Regular and special meetings of the board.

SECTION 5. The duties of the board of education shall be as follows:

Duties of the board.

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid each, and to hire and make

To decide upon number and make contracts with teachers.

contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to such teacher.

To fix school terms, and uniformity in books.

2d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt or reject text books at will.

To establish rules and regulations.

3d. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

To make contracts and repairs.

4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house, to make contracts for all incidentals required for carrying on the school houses, such as lighting fires, sweeping school rooms, etc., and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the clerk of said board.

To submit annual statement of teachers' wages, and estimate amount of moneys needed.

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise that has been made by order of the board; and for that purpose, they shall cause entries to be made in a book or books provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall, at the same time, submit for the consideration of the council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically.

Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the county school tax during the ensuing year.

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the mayor and council; and whenever, in their opinion, another school house or houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

Shall make statement of amount of repairs needed.

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act.

Orders for teachers' wages.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void.

Members of board not to be contractors.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

City clerk to be secretary.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either wards, including all printing and publishing, may, in the dis-

Work to be let to lowest bidder

cretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

How money ap-
propriated.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How penalty
remitted.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of the aldermen elect.

May cause new
survey to be
made.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks, as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Chippewa.

Survey to be
evidence.

SECTION 5. The surveys and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

May establish
grades and
make profiles
thereof.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Chippewa county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade: *provided, however*, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city, from ordering or causing to be done the grading of any street within their ward to a temporary grade, to be established by such commissioners.

May hold prop-
erty.

SECTION 7. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act. Subject to special tax.

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons or corporation making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, the said person or persons or corporation may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record, or to record the same, and the person or persons neglecting or refusing to comply with the requirements of this act shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat without a copy of the resolution aforesaid, approving the same, being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars. How lots shall be subdivided and platted.

SECTION 10. When the city of Chippewa Falls deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. How deed or lease real estate.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and ac- Mayor authorized to execute deed.

knowledge, as is provided for the execution of deeds and conveyances.

City clerk to attach copy of ordinance.

SECTION 12. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached, and record thereof shall be in all courts of this state *prima facie* authority of the mayor to make and execute or lease.

Failure of election not to dissolve corporation.

SECTION 18. If any election by the common council shall, for any cause, not time or in the manner herein prescribed, the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting or absolving said corporation, but such election may be had at any subsequent meeting of the common council; and if any of the provisions of this act, or the ordinances or by-laws of said city, to be done by any officer, at any time, and the same are not then done, the common council may appoint another officer, and said act may be done and performed.

General laws not to repeal this act.

SECTION 14. No general law of this state repealing, annulling or modifying the provisions of this act shall have effect for such purposes be expressly set forth in such law.

Limit of appropriation.

SECTION 15. The common council shall have power to appropriate a sum not exceeding five hundred dollars, to any public purpose they may deem proper, no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elected.

Shall levy and collect poll tax.

SECTION 16. Every male inhabitant in the city of Chippewa Falls, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general law of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of said city, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Chippewa Falls, and one of said lists shall, on the last Monday of April of each year, be delivered one of said lists to the city clerk, and one to the treasurer of said city of Chippewa Falls. The clerk and treasurer shall thereupon immediately proceed to

Duty of assessor—of treasurer

lect the same, and all persons liable to pay such tax, who shall have not paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of June of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Chippewa Falls. The process in each case shall be by warrant, as provided for in chapter nine of this act, entitled "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Chippewa Falls. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee, that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

Process for collection of poll tax.

Board to determine liability.

Fees of the treasurer.

SECTION 17. The jurisdiction of the police justice of the city of Chippewa Falls shall be co-extensive with the county of Chippewa, and the said police justice shall have exclusive jurisdiction to try all criminal cases, and conduct all examinations within said city in which the city is a party under the laws in which justices of the peace have jurisdiction, and according to this act. And the police justice shall have and possess all the rights, powers and privileges of said justices of the peace, and all the laws of this state concerning justices' court shall apply to the police court of the city of Chippewa Falls, except so far as the said law conflicts with the provisions of this act.

General and exclusive jurisdiction.

SECTION 18. In all cases where an action might be brought by the city of Chippewa Falls, against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by

How action to be brought in name of city.

any electors of said city : *provided*, that the complaint is made by any person other than a police officer of said city, sheriff of Chippewa county or any officers of said city. The justice may, in his discretion, require seventy-five cents as in civil courts, before justices of the peace.

May require
planting of
ornamental
trees.

SECTION 19. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

A public act.

SECTION 20. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Conflicting acts
repealed.

SECTION 21. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts, or any former act incorporating said city, or any of them, but the same shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 22. This act shall take effect and be in force from and after its passage.

Approved March 15, 1878.

CHAPTER 170.

[*Published March 24, 1878.*]

AN ACT to amend an act entitled "an act to prevent the spread of noxious weeds," section two, chapter two hundred and six, general laws of 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—
shall place
amount on tax
roll.

SECTION 1. Section two of chapter two hundred and six of the general laws of 1861 is hereby amended by adding the following words to said section : " And the

said board of supervisors are hereby authorized to have said amount paid to said pathmaster, on his affidavit, if said board deem it just and equitable; and further, to have said amount placed on the tax roll against such lands whereon such weeds have been destroyed, and to be collected the same as ordinary taxes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1873.

CHAPTER 171.

[*Published March 21, 1873.*]

AN ACT to authorize the supervisors of the town of Prairie du Chien, in the county of Crawford, to designate the place for holding the annual town meeting of said town for the year 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of the town of Prairie du Chien, in the county of Crawford, are hereby authorized and empowered to designate the place for holding the annual town meeting of said town for the year 1873. May fix place for holding town meeting.

SECTION 2. Notice of the place so designated shall be given by the town clerk of said town, by publication in one or more of the newspapers published in the city of Prairie du Chien, at least ten days previous to the time of holding said town meeting. Shall give notice by publication.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1873.

CHAPTER 172.

[Published M

AN ACT refunding to the county judge of Buffalo
tain amount therein named.

*The people of the state of Wisconsin, represent
and assembly, do enact as follows:*

State treasurer
to refund.

SECTION 1. The state treasurer is hereby
to refund to the county judge of Buffalo
sum of fifty-six dollars and thirty-five cents
amount paid into the state treasury by the
judge, February 28, 1868, on account of
the effects of Isaac Carr, deceased: provided
secretary of state is furnished with evidence
fact that legal heirship has been established
estate of the said Isaac Carr.

SECTION 2. This act shall take effect from
from and after its passage and publication
Approved March 15, 1873.

CHAPTER 173.

[Published &

AN ACT to repeal chapter four hundred and
and local laws of 1871, amendatory of the
lage of Elkhorn.

*The people of the state of Wisconsin, represent
and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter four hundred and
the private and local laws of 1871, entitled
amend an act to amend chapter one hun
ty-three of the private and local laws of
'an act to amend an act, entitled an act
the village of Elkhorn,' is hereby repealed.

SECTION 2. This act shall take effect
from and after its passage.

Approved March 15, 1873.

CHAPTER 174.

AN ACT to establish a ferry across Lake St. Croix at Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Patrick McGuire, his associates and assigns, their heirs, executors and administrators, shall have the exclusive right and privilege, for the term of ten years from and after the passage of this act, of keeping and maintaining a ferry across Lake St. Croix on fractional sections number twenty-five (25) and thirty-six (36), in township number twenty-nine (29) north, of range number twenty (20) west of the fourth principal meridian, and no ferry charter shall be granted within one mile either above or below said fractional sections.

Exclusive right to keep ferry.

SECTION 2. There shall be kept for use upon the said ferry good and sufficient boats, propelled by steam or otherwise for the use and accommodation of all persons wishing to cross said ferry, and said corporation shall give prompt and ready attendance on passengers, teams and merchandise on all occasions: *provided*, that said boat need not be run when serious injury would result by contact with the ice or otherwise; *and provided*, *further*, that when crossing is demanded after nine o'clock at night, double the actual rates for ferrying may be charged; *and provided further*, that when boats propelled by steam are used for the transportation of teams and merchandise, said corporation shall not be obliged to convey teams or merchandise or anything else, except foot passengers, before the hour of 6 A. M., and after the hour of 8 P. M. on each week day, and on Sundays between the hours of 9 A. M. and 6 P. M.; *and provided further*, that said Patrick McGuire, his associates or assigns, shall forfeit and pay to every person or persons all damages which said person or persons may suffer by reason of the said Patrick McGuire and his associates or assigns failing, neglecting or refusing to give prompt and due attendance upon such person or persons desiring to cross upon said ferry, or for failing, neglecting or refusing to provide and keep a good and sufficient boat or boats for the safe and speedy crossing of passengers or property.

Shall keep good and sufficient boats.

May charge double rates at night.

Forfeiture for non-performance.

SECTION 3. The rates for crossing at the said ferry shall not exceed the following, viz: For each foot passenger, ten cents; for each horse, mare, gelding, mule

Rates of ferryage.

or ass, with or without a rider, forty cents; for each two-horse or two-ox team loaded or unloaded, with a driver, seventy-five cents; for each two horse or two ox team, with a driver, and without a wagon, fifty cents; for single horse and carriage, sixty cents; for each ox or cow, fifteen cents; for each swine or sheep, five cents; all freight or merchandise or other articles, not with or in a wagon and teams, at the rate of ten cents per barrel and ten cents per hundred weight; lumber shall be ferried at the rate of fifty cents per thousand feet, when delivered on board said boat or boats: *provided*, that the board of supervisors of St. Croix county shall have authority to reduce said rates whenever they shall deem proper.

SECTION 4. So much of any act or acts as contravenes the provisions of this act is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 15, 1873.

CHAPTER 175.

[Published March 21, 1878.]

AN ACT amending the charter of the city of Racine, and certain amendments relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Subdivision twenty-three of section three of the charter of the city of Racine is hereby amended by striking out of said subdivision the words, "board of health," and inserting in lieu thereof, "city council," and by adding after the word, "occupant," in said subdivision, the words, "or agent." Said section is further amended by adding to said subdivision as follows: "And such expense shall become a charge and lien on the lot adjoining said street or alley, and such charge or lien shall be enforced in the same manner as is provided in sections one and two of line six of said charter."

Power to appoint police force.

SECTION 2. The following section is added to the powers of the city council, namely: "The city council shall have power to appoint and maintain a police force

in the city, which shall consist of one or more policemen, one of whom shall be designated as chief of police, whose powers and duties shall be defined by ordinance of the city council, and they shall receive such compensation as the city council may prescribe."

SECTION 3. Section three of chapter two hundred and fourteen of the private and local laws of 1867 is hereby amended by striking out the words, "five hundred," and inserting in lieu thereof, "one thousand:" *provided*, that a larger sum may be raised in any ward in said city when such sum does not exceed the sum of one mill on the dollar of the taxable property of such ward. Amended.

SECTION 4. The city council of the city of Racine, with the consent of the owners, shall have power to subdivide any block in said city into lots, and to plat and record the same; and when so recorded, the said plat shall have the same effect as plats laid out and recorded in pursuance of section five of chapter forty-seven of the revised statutes. May subdivide blocks.

SECTION 5. The city council of the city of Racine are hereby authorized and empowered to levy an additional tax of ten thousand dollars, on the taxable property in said city, to be levied and collected with the annual city, county and state tax for the year 1873, for the purpose of providing for additional school buildings in said city. May levy tax for school building.

SECTION 6. That section two of chapter one hundred and five of the private and local laws of 1872 be and the same is hereby repealed. Repealed

SECTION 7. The city council of the city of Racine in the state of Wisconsin is hereby authorized and required, at the time of the next regular annual levy of taxes for city and ward purposes in said city, to levy a special tax of three thousand dollars, upon all the taxable property in said city, for the purposes mentioned in the next succeeding section, which said taxes shall be assessed, levied and collected in all respects as taxes for other city purposes are assessed, levied and collected. May levy special tax.

SECTION 8. Said sum of three thousand dollars, authorized to be raised by special tax, as provided in the seventh section of this act, shall be disbursed and expended as follows, namely: fifteen hundred dollars thereof shall be used and expended for the purpose of protecting the streets in the second ward of the city of Racine, from the ravages and encroachments of Lake Michigan, and fifteen hundred dollars of said sum of three thousand dollars shall be used and expended for For what purpose said tax, is to be used.

the purpose of building and constructing a wall on the northeast side of Washington avenue, at Blue river, and the tax so authorized to be levied and collected as aforesaid, shall be used and expended only for the purposes hereinbefore mentioned.

May levy tax to prevent encroachment of Lake Michigan.

SECTION 9. In addition to any and all special taxes heretofore authorized to be levied and collected for ward purposes in the second ward of the city of Racine, the city council of said city of Racine are hereby authorized and required, at the time of the next regular annual levy of taxes for city and ward purposes in said city, to levy a special tax of five hundred dollars upon the taxable property in the second ward of said city, which shall be used and disbursed under the direction of the aldermen of the second ward of said city, for the purpose of protecting the streets in said ward from the encroachments of Lake Michigan.

How to be assessed, levied and collected.

SECTION 10. The special tax authorized by the ninth section of this act to be levied and collected, shall be assessed, levied and collected in all respects as taxes for other ward and city purposes, are assessed, levied and collected; and said sum of five hundred dollars shall be used and expended only for the purposes mentioned in section nine of this act.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1873.

CHAPTER 176.

[Published March 24, 1873.]

AN ACT to grant certain lands to the Milwaukee and St. Paul Railway Company, and to execute the trust assumed by the state of Wisconsin by its acceptance of the grants of land made by congress, by acts approved June 8, 1866, and May 5, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lands granted to Milwaukee and St. Paul Railway Company.

SECTION 1. There is hereby granted to the Milwaukee and St. Paul Railway Company, all the right, title and interest which the state of Wisconsin now has or may hereafter acquire in or to the lands granted to said state, by two certain acts of congress, one approved

June 3, 1856, entitled "an act granting public lands to the state of Wisconsin to aid in the construction of railroads in that state," and the other approved May 5, 1864, entitled "an act granting lands to aid in the construction of certain railroads in the state of Wisconsin," so far as said lands are granted to aid in the construction of a railroad from St. Croix river or lake, between townships twenty-five and thirty-one, to the west end of lake Superior and to Bayfield; and this grant is made upon the condition that said Milwaukee and St. Paul Railway Company shall construct a railroad from some point on St. Croix river or lake, at or near Prescott, by the way of River Falls to the city of Hudson, and along through the city of Hudson, west of the bluff, to the valley of Willow river, and thence up said valley to the west end of lake Superior and to Bayfield, and is upon the condition that said Milwaukee and St. Paul Railway Company shall proceed immediately with the construction of said railroad, and shall construct the same at the rate of forty miles each year until the same is completed, and that sixty miles thereof shall be completed and in operation within one year from and after the passage of this act, and also upon the further express condition that said company shall within two years also build and complete a railroad from some point on the Mississippi river, from a point below the mouth of the Chippewa river, in Buffalo county, Wisconsin, in town twenty-two (22), range thirteen (13), by the way of the village of Durand or Mondovia to Eau Claire, Chippewa Falls and to Menominee, and that so much of said road from the Mississippi river to Durand or Mondovia, or from Eau Claire to Chippewa Falls, shall be completed one year from the passage of this act.

Conditions of the grant.

Rate of construction and points and termini of the road.

SECTION 2. The Milwaukee and St. Paul Railway Company shall, in consideration of the granting of the right, title and interest of the state of Wisconsin in and to the before named grants of land, erect and maintain passenger and freight depots within the city limits of the city of Hudson, and shall also, within two years from the passage of this act, construct, complete and put in operation a railroad from Monroe, in Green county, to Shullsburg, in the county of La Fayette.

Further conditions of the grant.

SECTION 3. The governor is hereby authorized and directed, upon the presentation to him of satisfactory proof that the first sixty continuous miles of said railroad from St. Croix river or lake, at or near Prescott, to the west end of lake Superior, and to Bayfield, have

When the governor is authorized to issue patents for the land, and for what amount.

been completed in accordance with said acts of congress and with this act, and that the said road is also completed from the Mississippi river as far as Durand or Mondovia, or from Eau Claire to Chippewa Falls, to issue and deliver, or cause to be issued or delivered to said company, patents in due form from the said state for seven hundred and twenty sections of said land, and thereafter upon the completion of any twenty continuous miles of said road from St. Croix river or lake towards Superior and Bayfield, he shall issue and deliver, or cause to be issued or delivered to said company, patents for two hundred sections of said land, and shall make and deliver to said company all such certificates as are required by the act granting said lands: *provided*, that not more than seven hundred and twenty sections of land shall be issued until the completion of said road from the Mississippi river by way of Mondovia and Eau Claire to Chippewa Menominee, and from said Monroe to La Fayette county.

Company shall
file resolution
of acceptance.

Shall give satisfactory security

If the company
fail to perform,
governor to proclaim
forfeiture

SECTION 4. The said company shall, within thirty days from and after the passage of this act, file with the secretary of state a resolution duly adopted by its board of directors, accepting this grant and the conditions herein contained, and shall, within said sixty days, give to the state of Wisconsin satisfactory security for the completion of said road from the Mississippi river or lake to the west end of lake St. Croix at Bayfield, in accordance with the provisions of congress and of this act, as shall be required by the governor, and upon the failure of said company to file said resolution and to give said security within the time hereinbefore limited, this act shall be inoperative so far as it grants to said Milwaukee and St. Paul Railway Company, any interest in or right to said land.

SECTION 5. If the said Milwaukee and St. Paul Railway Company shall fail to file said resolution and to give said security as provided in the preceding section, it shall be the duty of the governor, as the agent of the state, to proclaim a forfeiture by the said company of all rights and privileges under this act, and thereupon any other railway company that may be authorized after said proclamation of forfeiture hereinbefore referred to, file with the secretary of state a resolution of its board of directors accepting said grant upon the terms and conditions of said acts of congress and of this act, and shall deposit with the state treasurer of security, approved by the governor, to construct said

road in accordance with the provisions of said act of congress and of this act, shall succeed to the rights and privileges herein conditionally granted to the said Milwaukee and St. Paul Railway Company, as fully as though this act had in the first instance applied to said company.

SECTION 6. Upon the presentation to the state treasurer of satisfactory proof that said Milwaukee and St. Paul Railway Company has completed forty miles of said road from St. Croix river or lake towards the west end of lake Superior and to Bayfield, it shall be the duty of said treasurer, and he is hereby directed to pay over to said company all moneys in the treasury collected from trespassers on said lands embraced in said grants.

State treasurer
to pay over tres-
pass money.

SECTION 7. Any person who, prior to the first day of January, 1870, may have settled upon any quarter section or other subdivision less than a quarter section of said lands, and improved the same as a farm, and who has since continued to reside thereon and occupy the same as his home may, on proving such settlement, improvement and continued residence, acquire the title to the same by paying to said Milwaukee and St. Paul Railroad Company the sum of two dollars and fifty cents per acre for said land, such proof and payment to be made within one year from the passage of this act.

Actual settlers
on land may
purchase
of company.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 177.

[Published April 8, 1873.]

AN ACT to authorize the town of Mineral Point to settle and compromise its railroad bond indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of compromising and settling the claims for railroad indebtedness against the town of Mineral Point, based and founded upon bonds heretofore issued by the town of Mineral Point to aid in the construction of the Mineral Point Railroad, by authority of "an act to authorize the counties and

May compro-
mise railroad
bond indebted-
ness.

towns through which the Mineral Point Railroad passes to aid in its construction," approved March 23, 1858, and which indebtedness may at the time of compromising or settling the same, be represented by bonds, coupons, judgments, orders or decrees rendered and made upon the same, it shall be lawful for the board of supervisors of the said town of Mineral Point, in concert with the common council of the city of Mineral Point, to compromise or settle the said claims and indebtedness upon such terms and conditions as to them shall seem most advantageous and beneficial to said town and city, proceeding therein as is hereinafter provided.

Shall appoint a railroad bond committee.

SECTION 2. At the first meeting after the annual meeting in A. D., 1873, or as soon thereafter as may be, the board of supervisors of said town shall, by an order or resolution, to be entered upon its records, appoint a railroad bond committee, consisting of four persons, who shall be selected from, and be principal freeholders, tax payers, voters and residents of said town; the said committee may be, by the said board of supervisors in its discretion, changed from time to time, either in whole or in part, and said board shall fill any vacancies which may occur in said committee by death, resignation, or removal from the town thereof being always kept, so as to show who compose said committee.

Article of agreement in writing, to be signed by the parties.

SECTION 3. Whenever the holder of any of said indebtedness or claims shall have agreed with the board of supervisors and the common council of the said city of Mineral Point, to settle any of said indebtedness, an article in writing shall be made and signed by the parties making said agreement, which shall distinctly state what is agreed to be settled, the time, terms of settlement agreed upon, both as to amount, mode and manner of payment. The said agreement shall then be submitted to said railroad bond committee appointed as aforesaid, acting with a similar committee of seven from the city of Mineral Point. The said committees shall meet together to consider the same, and they shall endorse on the said agreement, in writing over their signatures, their approval or disapproval thereof, and return the same to the common council of said city; if the said agreement is approved by a majority of the whole of said committees, the same shall be fulfilled by the parties making the same, but if said agreement shall be disapproved by a majority of the whole of said committees, it shall not be carried out or fulfilled, but shall be null and void.

Committees shall endorse approval or disapproval of agreement.

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SECTION 5. For
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virtue hereof, and the
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SECTION 4. For the purpose of fulfilling and consummating any agreement so made and so approved, or for the purpose of raising or borrowing money to fulfill or consummate the same, the said board of supervisors of said town of Mineral Point shall, for the respective share and proportion of said town of any such settlement and agreement, have power to issue bonds, with interest coupons attached, promissory notes, orders or drafts, for such sum or sums to such person or persons, or corporations, bearing such rate or rates of interest, payable as to principal or interest, at such time or times, place or places, to order or bearer, as may be necessary to fulfill said agreement, or shall have power to stipulate and agree with the holder of any of said indebtedness, who may have the same in judgment, to pay a certain sum and interest thereon into the court where the judgment or decree may be, in satisfaction of the same, the creditor being permitted to hold the judgment as security for the fulfillment of the stipulations; the said stipulations must be placed on record in said court, and must also first have been agreed to and approved as aforesaid; all bonds, notes, drafts or stipulations issued or made under the provisions of this act, by said town, shall be signed by the chairman of the board of supervisors, and countersigned by the town clerk, and the said clerk is required, before the delivery of any such bond, note, order, draft or stipulation, to make and keep a full and fair record thereof, which record may be written or printed, or partly written and partly printed, in a book to be provided for that purpose.

Board of supervisors may issue bonds to fulfill agreement.

How bonds, notes, etc., to be executed.

SECTION 5. For the prompt payment and fulfillment of all the bonds, notes, orders, drafts or stipulations, which may be issued under the authority of this act, or for the payment of necessary expenses incurred in regard to said indebtedness, the board of supervisors of said town of Mineral Point are hereby authorized and required, at the time of levying their usual regular annual taxes, to assess and levy a tax upon all the taxable property of said town from year to year, sufficient to promptly and faithfully pay, as the sums may become due, all sums agreed to be paid by the said bonds, notes, orders, drafts or stipulations aforesaid, the interest thereon and the expenses aforesaid, and the sums so levied shall be collected with, and in the same manner as other town annual taxes, and all laws applicable to other taxes shall be applicable to taxes levied by virtue hereof, and the moneys so raised or borrowed, or the taxes levied and collected to pay the same shall

Shall levy tax to pay all sums, as agreed upon.

How tax to be collected.

not be diverted or used for any other purpose, or subject to any legal process whatever.

Not to issue bonds except for the payment of indebtedness as herein provided.

SECTION 6. The board of supervisors of said town, and such of the officers of said town, and the attorney and agents of each and of said town, are hereby expressly prohibited from issuing or delivering any of the bonds, promissory notes, orders, drafts or stipulations authorized by this act, except for the purpose of settling said indebtedness, or unless the same shall have been first agreed for, and approved as herein provided, any such issue or delivery of any such bonds, promissory notes, orders, drafts or stipulations, or of either of them, except as herein provided, by any officer, attorney or agent of said officers or of said town, shall be deemed an embezzlement, and the person, officer, attorney or agent so offending shall, upon conviction thereof, be punished by fine or imprisonment, or at the discretion of the court.

Penalty for neglect of duty under this act.

SECTION 7. Any member of said board of supervisors who shall neglect, refuse, or in any way neglect to levy the taxes provided for in this chapter as they are required to be levied, or if they or any of the officers of said town shall neglect, refuse or avoid carrying out any of the provisions hereof for the payment of said bonds, promissory notes, orders, drafts or stipulations not made the subject of a special penalty, said person or officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail of Iowa county not more than six months, or both, at the discretion of the court. The fines imposed and collected for a violation hereof shall be used exclusively to pay the obligations authorized by this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 178.

[Published April 7, 1878.]

AN ACT to authorize the county of Iowa to settle and compromise its railroad bond indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of compromising and settling the railroad bond indebtedness of the county of Iowa, based and founded upon bonds heretofore issued, to aid in the construction of the Mineral Point Railroad, by authority of "an act to authorize the counties and towns through which the Mineral Point Railroad passes, to aid in its construction," approved March 23, 1853, and which said indebtedness may, at the time of settling or compromising the same, be represented by bonds, coupons or judgments rendered upon the same, the board of supervisors of the county of Iowa shall have power to compromise and settle said indebtedness, or any part thereof, upon such terms and conditions as to them may seem most advantageous and beneficial to said county, as hereinafter provided.

May compromise railroad bond indebtedness.

SECTION 2. The said board of supervisors may, in its discretion, appoint three of its members a committee to negotiate for such compromise or settlement, under the direction of said board, and said committee shall, whenever they shall have agreed with the holder of any of said indebtedness, to settle the same, cause an article or agreement in writing to be made, stating therein distinctly what is agreed to be settled, the terms of settlement, both as to amount, interest, mode and manner of payment, which shall be signed by the parties making the same, and shall then be submitted to the board of supervisors aforesaid for approval or disapproval. If said agreement be approved by a majority of two-thirds of said board, the same shall be carried out and fulfilled by said board, but if said agreement shall fail to receive such approval of said board, it shall not be carried out or fulfilled, but shall be null and void. The said board of supervisors shall have full control and power over said committee, and may at any time remove all or part of its members, and appoint new ones in their places, or may abolish said committee altogether.

Shall appoint committee to negotiate compromise, and execute agreement.

Board of supervisors may issue bonds to fulfill agreement.

SECTION 3. For the purpose of fulfilling or consummating any agreement made by the said board of supervisors, or by the said committee, and approved as above provided, or for the purpose of raising or borrowing money to fulfill and consummate the same, the said board of supervisors of said county of Iowa shall have power to issue bonds, with interest coupons attached, promissory notes, orders or drafts, for such sum or sums, to such person or persons, or corporation, bearing such rate or rates of interest, payable both as to principal and interest, at such time or times, place or places, to order or bearer, as may be necessary to fulfill said agreement; or shall have power to stipulate and agree with the holder of any of said indebtedness, who may have the same in judgment, to pay a certain sum and interest thereon into the court where the judgment may be, in satisfaction of the same, the creditor being permitted to hold the judgment as security for the fulfillment of the stipulations; the said stipulations must be placed on record in the said court and must also have first been agreed to by the said board or said committee, and approved as above provided.

How bonds, notes, etc., to be executed.

SECTION 4. The bonds, promissory notes, orders, drafts and stipulations authorized hereby, shall be signed by the chairman of the board of supervisors of said county, and countersigned by the county clerk, who shall affix the seal of said county thereto. The said clerk is hereby required, before the delivery of any such bond, promissory note, order, draft or stipulation, to make and keep a fair and full record thereof, in a book to be provided for that purpose, and said record may be written, or partly written and partly printed.

Not to issue bonds except for payment of indebtedness.

SECTION 5. The board of supervisors of said county, and each of the officers of said county, and the attorneys and agents of each are hereby expressly prohibited from issuing or delivering any of the bonds, promissory notes, orders, drafts or stipulations, authorized by this act, except for the purpose of settling said indebtedness, or unless the same shall have first been agreed for and approved as above provided; and such issue or delivery of any such bonds, promissory notes or orders, drafts or stipulations, or either of them, except as herein provided, by any member of said board, or by any officer of said county, or by the attorney or agent of either, shall be deemed an embezzlement, and the person, officer, attorney or agent so offending, shall, upon

conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court.

SECTION 6. For the prompt payment and fulfillment of all the bonds, promissory notes, orders, drafts or stipulations, which may be issued and delivered under authority of this act, the said board of supervisors of the county of Iowa are hereby required, in due and proper time, to assess and levy a tax upon all the taxable property of said county, from year to year, a sum sufficient to promptly and faithfully pay, as the same may become due, all moneys agreed to be paid by the said bonds, promissory notes, orders, drafts or stipulations aforesaid, and the sums so levied shall be collected with and in the same manner as are other county taxes; and all laws applicable to such other taxes shall be applicable to taxes levied by virtue hereof; and the moneys so raised or borrowed, or the taxes levied and collected to pay the same, shall not be diverted or used for any other purpose, or be subject to any legal process whatever.

Shall levy tax to pay all sums agreed upon.

How to be collected.

SECTION 7. Any member of the board of supervisors of the said county of Iowa, who shall neglect, refuse or in any way avoid, to levy the taxes herein provided for, as required by this act to be levied, or any member of said board, or any officer of said county, or any officer of any town or city in said county, or either of them, who shall neglect or refuse or avoid to comply with any provision of this act, or of any law of this state, so as to hinder or delay the collection of said tax, not made the subject of special penalty, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both, at the discretion of the court; all fines imposed and collected for a violation of this act shall be used exclusively to pay the debts authorized by this act.

Penalty for neglect of duty under this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 179.

[Published April 1, 1873.]

AN ACT to legalize the acts of John Mullen and Frank Hartzheim, justices of the peace, while acting as a board of health in and for the town of Taycheedah, Fond du Lac county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts as justice
legalized.

SECTION 1. That all of the acts of John Mullen and Frank Hartzheim, justices of the peace, when associated as a board of health in and for the town of Taycheedah, in the county of Fond du Lac, state of Wisconsin, and who, while acting in the months of October and November, A. D., 1871, as such board, did enforce the provisions of chapter thirty-two of the revised statutes, are hereby legalized.

Supervisors to
audit accounts.

SECTION 2. That the board of supervisors of the said town of Taycheedah are hereby authorized to audit and allow, and to issue town orders in settlement of all accounts and claims consequent upon such action of said justices, and certified by them as just and correct.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 180.

AN ACT to authorize C. M. Worth to erect and maintain a boom and piers on the Winneshiek slough, in Crawford county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May erect boom

SECTION 1. C. M. Worth, his associates and assigns, are hereby authorized and empowered to erect, keep and maintain a boom and the necessary piers therefor in the Winneshiek slough, and across said slough to the first island from the east bank of the Mississippi river, south of the boundary line between Crawford and Vernon counties, from Cheeney's addition to De Soto, in Crawford county, within the restrictions prescribed in section two of this act.

SECTION 2. Said boom and piers shall be so constructed as not in any manner to obstruct the navigation of the Mississippi river, to which said Winnesheik slough is tributary. Not to obstruct navigation.

SECTION 3. No person shall have any right, by virtue of this act, to erect, keep or maintain such boom or piers, or any part thereof, on lands to which he shall not at such time have the legal right of possession. Not to infringe upon others' rights.

SECTION 4. Any person who shall willfully break or injure said boom or piers shall be liable to the owner thereof, in a civil action, for the damages thereby done, to be recovered in any court of competent jurisdiction, in addition to the penalty prescribed by law. Penalty for willful injury.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 181.

[Published March 24, 1873.]

AN ACT to amend section one of chapter seventy-nine of the general laws of 1870, entitled "an act to provide for the admission to the bar of the graduates of the law department of the Wisconsin University."

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-nine of the general laws of 1870 is hereby amended by adding thereto: "And for each such license or certificate of admission to the bar of the supreme court, a fee of one dollar only shall be charged." Amended.

SECTION 2. This act shall take effect from and after its passage.

Approved March 17, 1873.

CHAPTER 182.

[Published March 25, 1873.]

AN ACT to repeal section two of chapter thirty of the general laws of 1870, and section two of chapter one hundred and forty-two of the general laws of 1871, and chapter ninety-nine of the general laws of 1872, relating to the attorneys' fees in justices' courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter ninety-nine of the general laws of 1872, entitled, "an act relating to attorneys' fees in justices' courts and amendatory of section two, chapter one hundred and forty-two of the general laws of 1871," is hereby amended by adding to section one the following: "*provided*, that no attorneys' fees shall be allowed in any cause tried before a justice of the peace, where the judgment, exclusive of costs, does not exceed fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 183.

AN ACT to amend chapter three hundred and seventy-seven of the private and local laws of 1871, entitled "an act to establish a ferry across Lake Pepin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
location of
ferry.

SECTION 1. Section two of chapter three hundred and seventy-seven of the private and local laws of 1871, entitled "an act to establish a ferry across Lake Pepin," is hereby amended so as to read as follows: Said ferry shall be kept and maintained, at any point to be designated by the said Andrew Gilberg, his associates, heirs or assigns, within two miles northwesterly or southeasterly up and down the Wisconsin shore of said lake from a point where the east and west quarter section line of section number twelve in township number twen-

ty-three north, of range number sixteen west (being in the town of Stockholm, in the county of Pepin, and state of Wisconsin) strikes said lake, and the rights and privileges herein granted shall continue and be in force for the space of fifteen years from and after the passage of this act, and no person shall be allowed to set up, keep or maintain any ferry, or carry any person, animals, goods or chattels, for pay or hire, across said lake during said space of time for a distance of two miles above and along the shore of said lake, and also for a distance of two miles below and along said shore from the point where said quarter section line strikes said lake as aforesaid.

Exclusive right granted.

SECTION 2. Section three of said chapter of said act is hereby amended so as to read as follows: The said Andrew Gilberg, his heirs, associates or assigns, shall, within thirty-six (36) months from and after the passage of this act, place and maintain, at the point aforesaid, such good and sufficient boat or boats as may be necessary to carry across said lake all teams, horses, cattle and other property, and for the accommodation of all passengers, at all hours of the day, from seven o'clock, A. M. until seven o'clock, P. M., from the 15th day of May until the 15th day of November of each year, and shall forfeit and pay to every person all damages which such person may suffer by reason of the said Andrew Gilberg and his associates failing in any manner to give prompt and due attendance upon such person or persons desiring to cross said ferry, or for failing or neglecting to keep a good and sufficient boat or boats for crossing the same: *provided*, that such ferriage shall not be required when, by reason of high winds, ice, or other good and sufficient cause, the same would be rendered imprudent or dangerous.

Amended—
Shall keep good and sufficient boats.

SECTION 3. Section four of said chapter of said act is hereby amended by striking out the words, "except to those crossing said ferry between the hours of eight o'clock, P. M., and five o'clock, A. M.," and in lieu thereof, inserting the following: "except to those crossing said ferry between the hours of seven o'clock, P. M., and seven o'clock, A. M."

Amended—
when increased rates charged.

SECTION 4. Section five of said chapter of said act is hereby amended, by striking out the words, "between the hours of eight o'clock P. M. and five o'clock A. M." in the first paragraph thereof, and inserting in lieu thereof the words, "between the hours of seven o'clock, P. M. and seven o'clock, A. M."

Amended.

Amended.

SECTION 5. Section seven of said chapter of said act is hereby amended, by striking out the word, "eighteen," in the third line thereof, and inserting in lieu thereof, the words and figures, "thirty-six (36)."

Approved March 17, 1873.

CHAPTER 184.

AN ACT to amend chapter four hundred and seven of the private and local laws of the year 1866, entitled "an act to incorporate the Milwaukee and Menomonee Falls Macadamized Road Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Section seventeen of chapter four hundred and seven of the private and local laws of the year 1866, entitled "an act to incorporate the Milwaukee and Menomonee [Falls] Macadamized Road Company," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 185.

[Published March 25, 1873.]

AN ACT to amend an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof, approved March 2, 1857.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Approval or
disapproval of or-
dinances by the
mayor.

SECTION 1. Every ordinance passed by the common council of the city of Kenosha, before the same shall take effect, shall be submitted to the mayor for his signature. If he approve it he shall sign it, if he disapprove it, he shall within five days return the same to the common council or city clerk with his objections thereto in writing; thereupon the common council

shall cause such objections to be entered upon the journal, and proceed to reconsider such ordinance; if after such reconsideration, two-thirds of all the members of said council, by a vote taken by yeas and nays to be entered on the journal, shall agree to such ordinance, the same after due publication shall be in full force and effect. In case the mayor shall not return such ordinance to the common council, or to the city clerk, within five days with his objections, the same shall in like manner become of full force and effect.

SECTION 2. The office of marshal of said city is hereby abolished, and all the powers and duties conferred by the city charter or ordinances upon the marshal, are hereby conferred upon such officer or officers of the peace as shall be appointed by the mayor and confirmed by the common council under the city charter. Duties of marshal transferred.

SECTION 3. The common council shall have power and they are hereby empowered to remove such officer or officers, and appoint others to fill such office, whenever they shall deem it for the interest of said city, such new officer or officers to be appointed and confirmed as authorized in section two of this act. Council may remove officers and fill vacancies.

SECTION 4. The common council shall have power to pass and enforce such ordinances as they may deem necessary to regulate and cause to be constructed, altered and maintained, wharves along the bank of Pike creek, and exercise the same power and control over said creek within said city as by virtue of the city charter they possess over streets and alleys. May provide for wharves.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 186.

AN ACT to amend chapter three hundred and seventy-six of the local laws of 1858, entitled an act authorizing John W. Stewart to build and maintain a dam in the Pecatonica river, in the county of La Fayette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and seventy-six of the local laws of 1858 is hereby Amended—may build and maintain dam.

May erect and
operate mills.

May lease water
power.

amended by striking out the word, "ten," where it occurs after the word, "or," in said section, also strike out the word, "or," where it occurs between the words, "nine" and "ten," and insert the word, "or," before the word, "nine," so that the whole section, as amended, will read: Section 1. John W. Stewart, his heirs, associates, successors and assigns is and are hereby authorized and empowered to build and maintain a dam across the Pecatonica river at any point he or they may deem most suitable, on any land he or they now or may hereafter own in sections three, four or nine in township one north, of range number five east of the fourth principal meridian, and to erect and operate mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, as he or they may see fit, and to sell or lease the right to use said water or any part thereof, and in as many parts as he or they may choose, to any person or persons, whomsoever, body or bodies whatsoever; he or they may also build and maintain all such wharves or buildings as he or they may deem necessary for the facilities of business: *provided*, that said dam shall not interfere with any dam now erected or heretofore authorized by law to be erected on said stream.

Approved March 17, 1878.

CHAPTER 187.

AN ACT to amend sections three and four of chapter one hundred and twenty-six of the private and local laws of 1867, entitled an act to incorporate the Milwaukee and Brookfield Macadamized Turnpike Road Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section three of chapter one hundred and twenty-six of the private and local laws of 1867, entitled an act to incorporate the Milwaukee and Brookfield Macadamized Turnpike Road Company, is hereby amended by striking out the word, "seven," wherever is occurs in said section three.

Amended—
may elect di-
rectors.

SECTION 2. Section four of said chapter one hundred and twenty six is hereby amended so as to read as follows: The stockholders of said company shall, at their first election of directors held subsequently to the

passage of this act, and annually thereafter, elect by ballot five directors, who shall be stockholders, and when elected shall constitute the board of directors of said company, by whom the affairs of said company shall be managed. At all elections held for the election of directors, every share of the capital stock of said company shall entitle the owner thereof to one vote, the votes to be given in person or by proxy duly authorized, and the five stockholders receiving the largest number of votes at any such election, shall be declared duly elected directors: *provided*, that if at any such election a sufficient number of votes shall be cast to represent a majority of all the shares of the stock of said company, declaring in favor of a board of directors composed of three instead of five directors, then and in such case the three stockholders receiving the largest number of votes cast at such election, shall be declared duly elected directors, and shall constitute such board of directors. The directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and the state of Wisconsin, as may be necessary for the well ordering and conducting the affairs of said company.

Each share entitled to vote.

May determine number of directors.

Shall appoint president and make by-laws.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 17, 1873.

CHAPTER 188.

[Published March 25, 1873.]

AN ACT to amend chapter one hundred and thirty-seven of the general laws of 1867, in relation to the election of county superintendents of the poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty-seven of the general laws of 1867 is hereby amended so as to read as follows: No member of any

Amended—
not eligible for
superintendent
of poor.

county board of supervisors in any county in which county superintendents of the poor are elected or chosen by the board supervisors, shall be eligible to or hold the office of superintendent of the county poor, during the term for which he shall have been elected supervisor; but this act shall not be construed to prevent the county board of supervisors from acting as such superintendents in any county where they are expressly authorized or required by law to act as such superintendents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 189.

[Published March 24, 1873.]

AN ACT relating to practice in civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall serve copy
of findings.

SECTION 1. In all actions tried by the court or by a referee, and wherein the findings of fact and conclusions of law of such court or referee shall be filed, it shall be the duty of the prevailing party to serve upon the attorney for the losing party a correct copy of such findings of fact and conclusions of law, and a notice of the time and place of such filing, and the losing party shall have ten days after service of such copy and notice in which to file exceptions to such findings of fact and conclusions of law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 190.

AN ACT to appropriate certain islands (of unsurveyed swamp and overflowed lands) in Fox river, in Marquette county, for bridge purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. That the islands (of unsurveyed swamp and overflowed lands) in the Fox river, situate, lying and being in the county of Marquette, be and the same are hereby appropriated to Edward McCaffrey, S. A. Phoenix and John Smith, as commissioners in trust for the town of Packwaukee in said county of Marquette: *provided*, that this act shall not divest or in any way affect whatever estate, right, title and interest, legal or equitable, (if any,) the Fox and Wisconsin Improvement Company or the trustees of said company, (so called,) or their grantees, may have in and to the same; *and provided*, said commissioners shall, within two years from the passage of this act, cause said islands to be measured and surveyed by the county surveyor of said county of Marquette, or by the county surveyor of some adjoining county, and also within the same period of time, cause a certificate, signed by the surveyor, to be filed in the office of the secretary of state, describing such lands as parts of contiguous sections, showing the number of acres and parts of acres therein contained.

Islands appropriated for bridge purposes

SECTION 2. The said commissioners are hereby empowered to lease, rent, sell and convey said islands, for the purpose of aiding in the erection and construction or repairing of a bridge in said Marquette county, located and described as follows to wit: A bridge over Buffalo lake, in the village of Packwaukee; and to execute to the purchaser or purchasers of said lands appropriated as aforesaid, sufficient and ample deeds of conveyance, in fee simple, and to apply the proceeds of such sale or sales, or the rents or profits thereof, in the aid of the bridge aforesaid: *provided*, no part of said islands shall be sold for a less amount than one dollar and twenty-five cents per acre.

May lease or sell said islands

SECTION 3. Upon the presentation of the certificate of said commissioners, accompanied with the certificate of the said surveyor, that said islands have been duly and correctly surveyed as aforesaid, the governor of the state shall, in his official capacity, and in behalf of the

Governor to execute trust deed to commissioners.

state, and under the great seal thereof, execute and deliver to said commissioners a trust deed of the lands comprising the islands aforesaid, describing said islands in said deed, the same as shall be described in said certificate of survey; which said deed shall vest in said commissioners the right to sell, convey and dispose of the same, in the manner provided in this act: *provided*, that no deed shall be executed by the governor and delivered to said commissioners as aforesaid, until said commissioners shall severally give bonds to the state of Wisconsin, in an amount of not less than five hundred dollars each, with sureties to be approved by the governor, conditioned for the faithful performance of their duties, as said commissioners, and the faithful application and disposition of all moneys arising out of any sale by them of said islands, or any rents or profits of the same, which said bonds shall be filed in the office of the secretary of state.

May fill vacancy.

SECTION 4. When a vacancy shall occur by the death, resignation or removal of either of said commissioners, the two remaining commissioners shall have power to fill said vacancy by appointment.

How proceeds appropriated.

SECTION 5. The proceeds and all moneys arising from the sales of the said islands, or any part or parcel thereof, or from the rents and profits of the same, shall be appropriated to the said bridge mentioned and described in section two of this act.

Shall give notice of sale of lands.

SECTION 6. Whenever said commissioners shall desire or think proper to sell the said islands, or any part or parcel thereof, they shall advertise the same in some newspaper published in said county of Marquette, at least four weeks prior to the time fixed for the sale as aforesaid, and at the time and place fixed in said notice, shall proceed to sell the same to the highest bidder complying with the terms required by said commissioners.

State not liable for commissioners' fees.

SECTION 7. The commissioners named in this act shall not be entitled to receive from this state any compensation for services performed under this act, nor shall the state be liable for any expenses incurred in carrying out the provisions of this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 191.

[Published March 24, 1878.]

AN ACT relating to contested seats in the legislature, and amendatory of section seven of chapter nine of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter nine of the revised statutes is hereby amended by adding the following: "and shall also file or cause to be filed in the office of the secretary of state, at least ten days before the day fixed by law for the meeting of the legislature, a copy of such notice, and the secretary of state shall not issue to any member of the legislature, any warrant for the payment of mileage or salary, whose seat is contested, until such contest is decided; and if any contestant shall fail to file, or cause to be filed, such notice with the secretary of state as herein provided, he shall not be entitled to any pay for mileage or salary, in case payment has been made therefor to the sitting member." Amended—
shall file copy
of notice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 192.

[Published March 29, 1878.]

AN ACT to enable the towns of Eagle and Ottawa, in the county of Waukesha, to unite and expend the drainage fund of said towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The drainage fund now belonging to the towns of Eagle and Ottawa, in the county of Waukesha, may be united and expended according to law in either of said towns, as the supervisors of said towns shall jointly determine. Drainage fund
united.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 193.

[Published March 26, 1873.]

AN ACT to change the management of the state prison, and to amend and consolidate all laws concerning the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State prison at Waupun declared general penitentiary.

SECTION 1. The state prison at Waupun, in the county of Dodge, shall be the general penitentiary and prison of the state of Wisconsin, for the punishment and reformation of offenders, in which shall be confined, employed at hard labor, and governed in the manner hereinafter directed, all offenders who have been committed and sentenced according to law, by any court of the state of Wisconsin, or any court of the United States, held in the districts of Wisconsin, to the punishment of solitary imprisonment or imprisonment at hard labor.

Shall be deemed in county of Dodge.

SECTION 2. For the purpose of all judicial proceedings, the prison and precincts thereof shall be deemed to be within and a part of the county of Dodge, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same.

How processes to be served.

SECTION 3. All processes to be served within the precincts of the prison, either upon convicts or upon persons or officers employed within the precincts of the prison, shall be served by the warden or deputy warden; and all officers of the prison shall be exempt from military duty, from serving on juries in any court, and from highway poll tax.

Official visits to prison.

SECTION 4. The prison shall be visited by the governor and legislative joint committee on charitable and penal institutions, at least once in each year, and oftener if the governor shall deem proper, for the purpose of examining into its concerns and ascertaining its condition, and shall report the same to the legislature.

OFFICERS AND SALARIES.

The officers and their salaries.

SECTION 5. The officers of the prison shall consist of three directors, one warden, one deputy warden, one clerk, one chaplain, one gate-keeper, one turnkey, eight guards, one overseer of cooking department, one overseer or keeper to each department of mechanical labor which is or may be established in the prison, and one

matron for the female prison department. The warden shall appoint such additional guards, not exceeding five, and such additional keepers not exceeding seven, as any emergency may demand. But such additional guards or keepers shall not become permanent, or hold their positions for a longer period than thirty days, without the approval of the directors.

SECTION 6. The directors shall be appointed by the governor, with the advice and consent of the senate, subject to removal in like manner. Said directors shall be appointed and commence their duties on the first day of January, 1874; one of said directors shall hold his office for two years, one for four years, and one for six years, and thereafter all appointments shall be made for the term of six years. Appointments to fill a vacancy shall be for the residue of the term only.

How directors appointed—their term of office.

SECTION 7. The warden and clerk shall be appointed by the directors, to hold their respective offices for the term of three years, unless sooner removed by said directors, and said directors are hereby authorized to remove said warden and clerk at their discretion.

Warden and clerk.

SECTION 8. All other officers and assistants in the prison shall be appointed by the warden, subject to the approval of the directors, and shall hold their offices during the pleasure of the warden. The warden shall immediately report to the directors all appointments made by him.

All other officers.

SECTION 9. The officers of the prison shall receive the following annual salaries and wages, viz: Each director, three dollars per day, for actual services and necessary traveling expenses; the warden, two thousand dollars; the deputy warden, one thousand dollars; the clerk, one thousand dollars; the chaplain, eight hundred dollars; the overseers of machinery in the respective departments of mechanical labor, shall each receive the sum of sixty dollars per month; and all other overseers and all keepers and guards shall each receive the sum of forty-five dollars per month. The warden, in case of exigency, and with the consent of the directors, when the interests of the state shall require it, may pay an additional sum, not to exceed fifty cents per day, to any person of either of the two last above named classes of officers. The matron shall receive twenty-five dollars per month; and the physician and surgeon shall receive such compensation for his services as the directors may allow. No other perquisite, reward or emolument shall be allowed to or received by either of them, except that there shall be allowed to the warden and deputy warden each, sufficient house room, with fuel

Annual salaries of the officers.

May pay additional sum.

No other pay to be allowed.

and lights for themselves and families. All officers and employes, except the directors, clerk, chaplain and physicians, shall be subsisted in the prison at the expense of the state.

Directors to visit prison monthly.

SECTION 10. The directors or some one of them shall visit the prison at least once in each month, and it shall be visited by the board of directors once in each quarter, and oftener if they think necessary, for the purpose of inspecting the books and all the concerns of the prison, and ascertaining whether officers are competent and faithful, and the convicts properly governed and employed, with power to direct any alteration in the business there carried on, which such directors may consider necessary.

Books to be open to examination.

SECTION 11. All books and documents relating to the concerns of the prison shall, at all times be open to the examination of the directors, who shall, once in each quarter of the year, carefully examine said books, and compare them with the vouchers and documents relating thereto.

How vacancies filled.

SECTION 12. If the office of director shall become vacated, by death or resignation, or other cause, the vacancy shall be filled for the unexpired term by the governor, subject to the approval of the senate, if in session, and if it is not, subject to its approval at its first session thereafter. If any office become vacated in any manner, which is filled by the warden and directors or either of them, the vacancy shall be filled in the same manner as appointments are made.

Shall make an annual report.

SECTION 13. The directors shall, on or before the 15th day of October in each year, make a detailed report to the governor for the year ending on the last day of the preceding month, stating therein the names of the officers of the prison, with their several salaries, the number of convicts, the amount of manufactures, the number of volumes in the prison library, and the cost of each addition to and change in the prison buildings, together with a full statement of all the concerns of the prison.

THE WARDEN.

Duties of the warden.

SECTION 14. The warden shall have the charge and custody of the prison, with the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining thereto or within the precincts thereof; and shall superintend the police of the prison and discipline of the convicts. He shall be treasurer of the prison and he shall render to the directors, on the first day of each month, a full and

He shall be treasurer of the prison, and make monthly reports.

accurate statement of all moneys received by him, and all sums of money expended by him, during the preceding month, showing on what account received and expended, and shall accompany said report with proper vouchers for all such expenditures, which report shall be verified by the oath of the warden, and shall receive and pay out all moneys granted by the legislature for the support of the prison, and such as may accrue from the business of manufacturing, under contract or otherwise, the rentage or sale of any article or articles of chattel property. It shall be the duty of the warden to keep an account of all moneys received for gate fees for admission of visitors to the prison, the amount of which for each year shall be embraced in his annual report, and shall constitute a part of the prison revenues.

SECTION 15. Before the warden enters upon the duties of his office, he shall give a bond to the state of Wisconsin in the sum of twenty thousand dollars, with two or more sufficient sureties to be approved by the governor, conditioned that he will faithfully account for all moneys placed in his hands as prison treasurer, and perform all duties incumbent upon him as warden of the prison; he shall also, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, and that he will discharge the duties of his office faithfully and to the best of his ability; and such bonds, with the approval of the governor endorsed thereon, and the oath aforesaid, shall be filed in the office of the secretary of state.

He shall give a bond and take and subscribe oath of office.

SECTION 16. Whenever the governor shall deem it necessary, he may require the warden to file new bonds with satisfactory security, in a larger sum than that specified in section fifteen of this act, subject to the approval of the governor; but such new bonds shall not be larger than the necessities of the case may require.

May be required to file new bonds.

SECTION 17. The warden shall make such rules and regulations, not inconsistent with the laws of this state, for the government of the officers and convicts of the prison as he may deem necessary and proper, subject to the approval of the directors.

Shall make rules.

SECTION 18. The warden shall reside within the precincts of the prison, and neither the warden nor any prison officer appointed by him, or holding an office in the prison, shall directly or indirectly have any interest or concern pecuniarily, in any contract, either verbal or written, which may be entered into by said warden on

Shall reside within the prison limits.

the part of the state, for any purpose whatever connected with the business of the prison.

Shall make annual detailed report.

SECTION 19. The warden shall, on the thirtieth day of September in each year, make an annual detailed report to the directors, verified on oath, which shall contain a full and accurate statement of all concerns of the prison for the year ending on that day; also a list of convicts who have been received, discharged, pardoned or died during the year, including the prisoners sentenced by United States courts, and an estimate of expenses for the ensuing year; which report the directors shall submit to the governor with their own, and by him be submitted to the legislature.

DEPUTY WARDEN.

Duties and powers of the deputy warden.

SECTION 20. It shall be the duty of the deputy warden to perform the duties of warden in the absence of that officer, and for the purpose of fully complying with the requirements of this section, he shall reside within the precincts of the prison grounds; he shall, under the direction of the warden, assist in administering the government and discipline of the prison; and he shall perform all the duties and have all the powers, and be subject to all the obligations and liabilities of the warden, in case of the disability of that officer or vacancy of that office.

PRISON CLERK.

Duties of the prison clerk.

SECTION 21. It shall be the duty of the prison clerk to keep, in suitable books, regular and complete accounts of all the expenses, income, business and concerns of the establishment; also a register of all convicts received, discharged, pardoned or died, and such other matters as may be necessary in statistics of the kind. He shall, at all suitable hours, permit the warden and all other authorized persons to examine all books in his office. He shall act as secretary of the board of directors, and perform such clerical duties as they may require of him.

Deputy warden and clerk to give bonds.

SECTION 22. Before either the deputy warden or prison clerk enters upon the duties of his office, each shall give bonds to the state of Wisconsin, in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned that he will faithfully perform all the duties incumbent upon him as deputy warden or prison clerk; and such bond, when so approved, shall be filed in the office of the secretary of state.

MEDICAL ATTENDANCE.

SECTION 23. Whenever any convict shall complain of any such illness as requires medical aid, the warden shall employ some physician who shall visit such convict, and if, in the opinion of such physician, the illness is such as to require his removal to the hospital, the warden may order such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

Warden shall employ physician.

CHAPLAIN.

SECTION 24. The chaplain shall hold divine service in the chapel once on each Sabbath, instruct the prisoners in their moral and religious duties, and visit the sick on suitable occasions. He shall also act as librarian and prepare a list of the number and titles of the books in the library, with a statement of their condition, which information shall be embodied in the report of the warden to the directors, required by section nineteen of this act. He shall be in attendance at the prison daily during usual business hours, unless excused by the warden. He shall devote not less than three hours per day, once in each week, and oftener, if the board of directors shall consider it necessary, to instructing those prisoners who need such instruction, in the common branches of English education; and with the consent of the warden, may call to his assistance in such educational labors, such persons as he may deem qualified from among the convicts of the prison.

Offices and duties of the chaplain.

SECTION 25. A Catholic clergyman may also be engaged by the warden to hold services once each month for the benefit of prisoners of that faith, at an expense not to exceed two hundred dollars per annum.

May engage Catholic clergymen.

CONTRACTS.

SECTION 26. All contracts made on the part of the state, by the warden, on account of the prison, shall be in writing and approved by the directors before taking effect, unless when the wants or necessities of the prison shall compel the warden to purchase supplies of any kind immediately; in which case, he may purchase the same upon verbal agreement, and in either case, the warden or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, pending such suit, may take upon himself the prose-

How all contracts to be made.

How suits prosecuted.

cution or defense thereof, and upon the motion of the adverse party and notice, he shall be required to do so, except in the purchase of annual supplies of food, fuel and such other articles as are required and used in large quantities for prison consumption or manufacturing purposes. The warden shall have power to make all purchases for the prison, on such conditions and in such manner as in his opinion will best promote the interests of the state.

May submit to arbitration.

SECTION 27. Whenever a controversy shall arise respecting any contract made by the warden, on account of the prison, or a suit shall be pending thereon, the warden may submit the same to the final determination of arbitrators or referees, to be appointed by the governor.

Shall contract for supplies by the year, and give public notice.

SECTION 28. Whenever the warden shall determine to contract for the furnishing of the principal articles purchased for the use of the prison, such as food, fuel, lumber, stone, iron or steel, the same shall be contracted for by the year, when such contracts can be advantageously made; the warden shall give previous notice in at least two newspapers printed in the state of Wisconsin, of the articles wanted, the quality and quantity thereof, as near as the same can be ascertained, the time and manner of delivery, and the period during which such articles shall be received. Such notice shall be published at least three successive weeks.

How proposals to be made and accepted.

SECTION 29. All such proposals shall be in writing and sealed up, and upon the day appointed in the notice in the foregoing section, they shall be opened by the warden, who shall cause all offers made in such proposals to be entered in a book and compared. The person offering the best terms, together with satisfactory security for the performance, which shall be required by the warden in said notice, shall be entitled to the contract, unless it shall appear to the warden that no one of the offers is as low as the fair market price; in that case, no offer shall be accepted, but the warden may, if he thinks necessary, advertise again, and proceed as before provided for.

Contractors to give bonds.

SECTION 30. All persons contracting under the provisions of the preceding sections shall give bonds to the warden in a reasonable sum, with satisfactory security, for the faithful performance of their contract. All bills contracted by the warden for purchases on account of the prison shall be approved by one or more of the directors before payment.

SECTION 31. The warden shall take bills of the quantity and price of the supplies furnished in all cases where the same is practicable, at the time of their delivery; and the clerk or such other officer as the clerk shall direct, shall compare the bill with the articles delivered; and if the same are found correct, he shall make a corresponding entry on the account books of the prison, and file the bill as a voucher of the fact of such delivery. If any bill so rendered for supplies shall be discovered to be incorrect on comparing it with the articles delivered, the clerk shall immediately give notice to the person furnishing such supplies.

Shall take bills and compare with the articles received.

SECTION 32. It shall be the duty of the sheriff or deputy sheriff of each county in this state to convey to the state prison all persons convicted in his county and sentenced to be confined in said prison, as soon as may be after such conviction and sentence shall have been had; and after delivering such convict or convicts to the warden, together with a copy of the sentence of the court ordering such imprisonment, the warden shall deliver to such sheriff or deputy sheriff, a receipt in which he shall acknowledge having received the prisoner or prisoners, naming them, which receipt the said sheriff or deputy sheriff shall file in the office of the clerk of the circuit court where such conviction and sentence were had. And such sheriff or deputy sheriff shall be entitled to receive from the treasurer of the proper county the amount actually and necessarily expended by him in transporting such prisoner or prisoners, including the amount paid for boarding and lodging, and such guards as may have been necessarily employed by such sheriff or deputy sheriff, and such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner or prisoners, to be fixed and allowed by the proper auditing officer or auditing board of the proper county.

Conveyance and delivery of the convicts to custody of warden.

Expenses of transporting prisoner to be paid.

SECTION 33. Whenever a sheriff or deputy sheriff shall deliver to the warden a prisoner or prisoners, who shall be under the influence of spirituous liquors at the time of such delivery, said warden shall state in his receipt to the sheriff or deputy sheriff, the condition in which said prisoner or prisoners were delivered; and he shall in such case make a duplicate receipt and send the same to the clerk of the circuit court where the conviction and sentence of such prisoner or prisoners were had, who shall file the same in his office.

Shall state condition of prisoner, in receipt.

DISCIPLINE, ETC., OF CONVICTS.

Shall be in charge of the warden.

SECTION 84. All convicts in the prison shall be in the charge and custody of the warden, who shall govern and employ them in the manner prescribed by law, the rules and regulations of the prison, and in conformity to the respective sentences under which they shall be committed.

Duties of officers and employes.

SECTION 85. All officers and persons employed in and about the prison shall perform such duties in charge and oversight of the prison, the care of the property belonging thereto, and the custody, government, discipline and employment of the convicts, as shall be required of them by the warden, in conformity to law and the rules and regulations of the prison.

How treated in solitary confinement.

SECTION 86. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for violation of any rules and regulations of the prison, shall be confined in one of the solitary cells, and during such confinement shall be fed on bread and water only, unless a physician, called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet.

Regulations in treatment of convicts.

SECTION 87. All convicts sentenced to the punishment of hard labor in said prison, shall be constantly employed for the benefit of the state. No communication shall be allowed between them and any person without the prison, except under supervision, as prescribed in the rules and regulations of the prison. They shall be confined in separate cells in the night time, and in the day time, all intercourse between them shall, as far as practicable, be prevented. All communication between male and female convicts shall be prevented.

Punishment for disregard of regulations.

SECTION 88. If any officer or person employed in the state prison shall suffer any convict under sentence of solitary confinement, to be at large or out of the cell assigned him, or shall suffer any convict confined in said prison to be at large, except in accordance with the provisions of this act, or allow said convicts to be visited, conversed with or in any manner relieved and comforted contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Daily sustenance.

SECTION 89. The daily sustenance of convicts, not in solitary confinement, nor in the hospital, shall consist of wholesome, coarse food, with such proportion of

meat and vegetables, as the warden shall deem best for the health of the convict.

SECTION 40. No spirituous liquors or any articles of Spirituous liquors prohibited. indulgence shall be allowed any convict, except by order of the physician, which order shall be in writing, and for a definite period, not exceeding one month: *provided, also*, that the warden may, in his discretion, make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior.

SECTION 41. The clothing and bedding of convicts Quality of clothing, etc. shall be of such quality and quantity as the judgment of the warden may direct, consulting the health and comfort of the convicts and the interests of the state.

SECTION 42. All necessary means shall be used, How maintain order and enforce obedience. under the direction of the warden, to maintain order in the prison, enforce obedience, suppress insurrections, and effectually prevent escapes, even at the hazard of life; for which purpose he may at all times command the aid of all the officers of the institution and of the citizens outside the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties and forfeitures as apply to persons refusing to obey a sheriff, or other officer calling upon the aid of the county to assist in serving a process for quelling insurrection.

SECTION 43. The warden and all prison officers shall How treat convicts. uniformly treat convicts with kindness, and the warden shall require of the officers that in the execution of their respective duties they shall, in all cases, refrain from boisterous and unbecoming language in giving their orders and commands. There shall be no corporal or other painful and unusual punishment inflicted upon convicts for violation of prison rules.

SECTION 44. The money and effects, except the Money and effects to be preserved. clothes, in possession of each convict when committed to the state prison, shall be preserved by the warden and restored to said convict when discharged, unless otherwise ordered by the judge of the circuit court of Dodge county.

SECTION 45. Every convict, when discharged, shall Clothing and money to be provided, on discharge. be provided with a decent suit of clothes, and a sum of money not to exceed five dollars; and may also be allowed employment in the prison, under the rules established for the government of convicts, for such period of time, and at such rate of compensation as the warden shall deem proper and equitable.

SECTION 46. It shall be the duty of the warden in In case of death, how dispose of body. case of the death of any convict, to cause the body to be decently buried, or to deliver it to the relatives or

friends of such convict, if demanded by them within twenty-four hours.

May employ
convicts out-
side of prison
yard.

SECTION 47. If the warden of the prison shall at any time deem it for the interest of the state, he may employ the convicts outside the prison yard in quarrying or getting stone, and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and in all such cases, the warden shall detail such force from the prison police as he shall deem necessary to watch and guard them, and in case any convict employed outside the prison yard shall escape, he shall be deemed as having escaped from the prison proper, and shall be subject to such penalties as are provided in section fifty of this act.

RECORD OF CONDUCT.

Shall keep
record of the
conduct of
convicts.

SECTION 48. It shall be the duty of the deputy warden to keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month, the said deputy shall give a certificate of good conduct to each convict who shall require it, against whom is recorded no infraction of the rules of discipline; and upon each such certificate, the warden may, at his discretion, diminish the term of any convict sentenced for a specific time, not more than five days; all such certificates shall remain on file in the prison office, subject at any time to be annulled by the warden for subsequent misconduct of the convict.

When may sus-
pend solitary
confinement.

SECTION 49. Any convict sentenced to periodical terms of solitary confinement, who shall obtain from the deputy warden a certificate that such convict has suffered at least one term of solitary confinement, and that ever after such term, the conduct of such convict has been good for peaceful obedience, industry and integrity; on receipt of such certificate, the board of directors shall have power, at their discretion, to suspend the further solitary confinement of such convict during good behavior.

ESCAPES, ETC.

Punishment for
escape, assault,
etc.

SECTION 50. If any convict, committed to the state prison under sentence for a limited time, shall escape therefrom, or shall attempt by violence to escape, or shall assault the warden or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in said prison not more than ten years, in addition to his former sentence, and also by solitary confinement, not more than one

year, to be executed forthwith, or at such time or times, either before or after the expiration of any former sentence, as the circuit court of Dodge county may direct.

SECTION 51. If any convict in the state prison, under sentence of imprisonment for life shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than one year, to be executed at such time or times as the circuit court of Dodge county shall direct.

Punishment when imprisoned for life.

SECTION 52. If any officer or other person employed in the state prison shall voluntarily suffer any convict confined therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Punishment of officers for allowing escape.

SECTION 53. Every person who shall convey into the state prison any disguise, instrument, tool, weapon or thing adapted or useful to aid any convict in making his escape therefrom, with the intent to facilitate the escape of any convict there lawfully committed or detained, or who shall by any means aid any convict in his endeavors to escape, whether such escape be effected or not; and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict, held in custody by an officer or other person, under sentence of imprisonment in the state prison, or shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in said prison not more than ten years, or by fine not exceeding five hundred dollars.

Punishment for conveying instruments, etc to convicts to aid escape.

SECTION 54. If any officer or other person shall deliver or procure to be delivered, or shall have in possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal the same in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any articles or thing whatever, with intent that any convict confined in said prison could obtain or receive the same; or if any officer or other person shall receive from any convict any article or thing whatever, with the intent to convey the same out of said prison, contrary to the rules and regulations of said prison, and without the knowledge and permission of the warden or deputy warden, every such person shall be punished by imprisonment in the state prison, or in the county jail,

For conveying any articles to or from the convicts.

not more than two years, or by a fine no five hundred dollars.

Measures for re-capture.

SECTION 55. The warden may adopt such as he may deem proper to aid in detecting ing escaped convicts.

UNITED STATES CONVICTS.

Shall receive persons convicted in United States courts.

SECTION 56. The warden shall receive state prison all persons convicted before the United States, held within the state of and sentenced by such court to the punishment at hard labor in said prison, and safely keep and employ such convicts pursuant to sentence, under the rules and regulations of the state until such sentence shall be performed, or the convicts shall be otherwise discharged by the law of the United States.

Shall make semi-annual statement.

SECTION 57. It shall be the duty of the warden once every six months, to make out and settle to the proper auditing officer of the State for this state, a certified account of the cost of support and maintenance of United States convicts in the state prison of this state.

Shall file copy of account of United States convicts.

SECTION 58. Whenever the amount of support and maintenance of United States convicts shall be allowed, as provided in the preceding act, it shall be the duty of the warden with the secretary of state a copy of such account with the amount allowed thereon. The state shall thereupon draw his warrant upon the treasurer for the amount so allowed, payable to the warden out of the state treasury, when the amount shall be received from the United States.

Shall include number in annual report.

SECTION 59. It shall be the duty of the warden when making his annual report, to include in the report the number of United States convicts in the prison at the date of such report, the whole number received during the preceding year, the number received and discharged during the same time, the amount received from the general government for the support and maintenance, and also the amount that shall be due and unaudited for like purpose.

MISCELLANEOUS PROVISIONS.

Conviction and sentence shall vacate office.

SECTION 60. Whenever any convict, sentenced by any court of this state or of the United States, is punished by imprisonment in the state prison,

the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison; but if the judgment against said convict shall be reversed on a writ of error, he shall be restored to office with all its rights and emoluments; but if pardoned, he shall not, by reason thereof, be restored to office.

SECTION 61. It shall be lawful for the warden of the state prison to receive from the superintendent of public property, all necessary stationery for the use of his office; and said superintendent of public property is hereby authorized and directed to give out all such stationery as may be necessary for said office, upon the order of the warden or deputy warden.

Shall receive stationery.

SECTION 62. The warden shall purchase such books and stationery for educational purposes within the prison, as may by him be deemed necessary.

May purchase books.

SECTION 63. Each officer, overseer or keeper, employed in or about the prison, shall take an oath, before some officer authorized to administer oaths, to discharge the duties respectively required by law and the regulations of the prison, faithfully and to the best of his ability.

Officers and employees to take oath.

SECTION 64. On and after the first Monday of January, A. D. 1874, the office of state prison commissioner, as now known shall be abolished.

Office of commissioner abolished.

SECTION 65. This act shall be of force and take effect from and after the first Monday in January, A. D. 1874.

SECTION 66. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 17, 1873.

CHAPTER 194.

[Published March 25, 1873.]

AN ACT to amend chapter seventy-two of the private and local laws of 1858, entitled an act to incorporate the city of Ripon, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That one of the justices of the peace now authorized by law in the city of Ripon shall be designated as police justice.

Police Justice.

Powers and jurisdiction of the police justice.

SECTION 2. The police justice shall have and possess the jurisdiction, and all the authority, powers and rights of a justice of the peace in civil and criminal actions and proceedings, and shall have sole and exclusive jurisdiction to hear complaints, and conduct all examinations and trials in criminal cases arising within the county of Fond du Lac, which shall be brought, had, held or tried within the city of Ripon, and shall have exclusive jurisdiction in all matters cognizable before a justice of the peace, to which the city shall be a party, and shall have the same powers and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit court or county court, or the municipal court of the city of Ripon, of their authority as conservators of the peace, nor to affect in any manner the powers or jurisdiction of the circuit court or county court of the county of Fond du Lac, or the municipal court of Ripon.

His compensation.

SECTION 3. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by the law to justices of the peace in towns for similar services.

May appoint justice of the peace.

SECTION 4. The common council of the city of Ripon may appoint and authorize by warrant, signed by the mayor and clerk of said city, one of the justices of the peace within said city to perform the duties of police justice for the unexpired term for which such justice was elected.

In case of absence, may appoint justice in his place.

SECTION 5. In case of the absence, sickness or other inability of the said police justice to discharge the duties of said office, the common council may appoint and authorize by warrant, signed by the mayor and clerk of said city, any justice of the peace within said city, to perform the duties of police justice, and the justice so appointed shall for the time being possess all the authority and powers and rights, and discharge all the duties of police justices during his absence, sickness or other inability to discharge the same.

Shall designate one of the justices, police justice.

SECTION 6. At the next and every election of justices of the peace, in and for the city of Ripon, one of the justices of the peace then to be elected shall be designated as police justice by having written or printed, or partly written and partly printed on the ballot, the words, "for police justice."

Appeals allowed.

SECTION 7. Appeals shall be allowed in all cases to the circuit court, and taken in the same manner as appeals from justices of the peace.

SECTION 8. The police justice shall quarterly re-^{shall make quarterly re-}port to the common council a list of all proceedings^{port.} instituted before him in behalf of said city, and the disposition made thereof, and shall, at the same time, account and pay over to the treasurer the amount of all penalties and fines collected by him, which may by law accrue to said city; said city shall not be liable for or pay any costs in any action or proceeding for violation of any law of this state, but such costs shall be a county charge as heretofore.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 195.

[Published March 24, 1878.]

AN ACT to restore the right of suffrage to certain citizens of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter thirty of the general laws of^{Repealed.} 1866, entitled "an act to amend chapter seven of the revised statutes, entitled of general and special elections; of the manner of conducting the same, and of the canvass;" and all acts amendatory thereof, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1878.

CHAPTER 196.

[Published March 25, 1873.]

AN ACT to amend chapter three hundred and two of the private and local laws for the year 1861, entitled an act to create the municipal court of the city and town of Ripon, and acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—
powers and jurisdiction of the
municipal court

SECTION 1. Chapter three hundred and two of the private and local laws for the year 1861, entitled an act to create the municipal court of the city and town of Ripon, and acts amendatory thereof, are hereby amended as follows : The municipal court of the city of Ripon shall exercise the same powers and jurisdiction in all civil actions and proceedings, both as to law and equity, as now exercised by the circuit court of Fond du Lac county : *provided*, that the value of the property or the amount of money in controversy in any action in said municipal court, exclusive of costs, does not exceed fifty thousand dollars.

Force and effect
of former judgments.

SECTION 2. All judgments of less amount than fifty thousand dollars heretofore rendered by said municipal court, and all proceedings had therein, are in all respects to be of the same force and effect as though the jurisdiction in the act creating the same, had been limited as hereinbefore provided. The salary of the judge of said municipal court shall be two hundred and fifty dollars per annum, from and after the expiration of the present term, to be paid by the city of Ripon, less the suit tax paid said judge, according to section twenty-six of said chapter three hundred and two.

Salary of the
judge.

The terms of
the said court.

SECTION 3. There shall be three general terms of said municipal court, for which petit jurors shall be drawn. Such terms shall hereafter commence as follows : on the first Monday of May, the first Monday of September, and the first Monday of January in each year. There shall also hereafter be held three special terms of said municipal court, to commence as follows : on the first Monday of July, the first Monday of November, and the first Monday of March of each year.

SECTION 4. All acts and provisions in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 197.

[Published March 26, 1878.]

AN ACT to amend chapter fifty-nine of the private and local laws of 1868, entitled an act to incorporate the city of Fond du Lac, and to repeal chapter one hundred and twenty-four, private and local laws of 1867, entitled an act to consolidate and amend the act to incorporate the city of Fond du Lac and the several acts amendatory thereof, and to amend an act entitled an act to consolidate the several school districts in the city of Fond du Lac, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter six of said chapter fifty-nine of the private and local laws of 1868, is hereby amended by adding thereto the following: Amended.
XXXVII. The mayor and common council of the city of Fond du Lac are hereby authorized and empowered May regulate sale of goods. to regulate the sale of any goods, wares, merchandise or other property, at auction in said city of Fond du Lac, and shall prohibit the sale thereof at auction within the limits of said city by any person, without having obtained a license therefor; and shall also require any auctioneer so licensed to sell, to make reports verified by him, in manner and form, and at such time or times, or upon the demand of any officer or employe of said city as shall be designated and provided by the mayor and common council of said city, and shall require such auctioneer so licensed to pay for such license, the fee hereinafter prescribed, and also the per centum on all gross sales by him made as hereinafter prescribed, viz: for each license to any inhabitant and resident of said city, a fee of one hundred dollars for one year; for a license to any non-resident of said city, a fee of one hundred and fifty dollars per year, and shall exact and require such auctioneer to pay on the gross amount of all sales by him made, a sum not exceeding two per centum, except as hereinafter otherwise provided; upon all sales made by non resident auctioneers of the following class or described articles, Amount of license to residents.
To non-residents.

Articles to be
licensed enu-
merated.

Amount ex-
acted for gross
sales.

License to be
only for one
year.

Terms defined.

goods, wares, merchandise and property, viz: clothing, wearing apparel, hats, caps, mittens, gloves, cloths, groceries, dry goods, millinery goods, boots, shoes, drugs, medicines, paints, oils, iron, tin, steel, sheet iron, stoves, hardware of every kind, and including all goods, wares, merchandise and other property sold or kept for sale in clothing stores, hat and cap and fur stores, drug stores, paint and oil stores, grocery stores, dry goods stores, millinery stores or shops, boot and shoe stores, iron, stove, tin or hardware stores or shops, shall exact and charge upon the gross sales a sum not exceeding ten per centum on a dollar; upon the gross sales and upon the same articles, goods, wares and merchandise, sold by a licensed resident auctioneer, and which is not the *bona fide* property of such licensed resident auctioneer, or a *bona fide* inhabitant and resident of said city, shall be exacted and charged a sum not exceeding ten per centum upon the gross amount of sales; and that any property belonging to a non resident, which may be sold or transferred to any resident auctioneer, or to any inhabitant and resident of said city, for the purpose of in any way avoiding or evading the provisions of any such ordinance, law or order, or in which any such non resident shall retain any interest, shall be liable to pay such ten per centum on a dollar on all gross sales, and may require such licensed auctioneer to give a bond to said city in such penal sum as the mayor and common council may fix, with a surety or sureties, prescribing the qualifications thereof, and requiring the same to justify, and conditioned for the faithful compliance with the provisions made by such ordinance or other rule or law made by said mayor and common council, with such other conditions as may be deemed necessary for the faithful performance of the same. No license shall be issued for a longer time than one year, and the mayor and common council may provide that no license shall be issued for less than one year. When the term, resident, or the term, inhabitant resident is used herein, it shall be and mean and include any person who is and has been for three months immediately preceding, an actual *bona fide* inhabitant and resident of said city; the term, non resident shall mean and include any person who has not been an actual *bona fide* inhabitant or resident of said city for three months or immediately preceding the issuing of any such license or the sale of any goods, wares or merchandise, or property at auction. The term, licensed resident auctioneer, or resident auctioneer, shall mean and include any

person licensed who has been an actual *bona fide* inhabitant and resident of said city for three months immediately preceding the granting of his license. The term, non-resident auctioneer shall mean and include any person to whom a license is granted who has not been an actual *bona fide* inhabitant and resident of said city for three months immediately preceding the issuing or granting to him of a license, and may provide that in any license issued, that it may be designated whether the person is a resident or non-resident auctioneer, and that the person accepting the same shall be bound and estopped by such license, and shall have only the rights and privileges of the class of auctioneers, herein named or designated: *provided, however*, that nothing in this act shall prohibit or affect, in any manner, sales at auction in the cases specified by section one of chapter fifty-four of the revised statutes, entitled "of auctions and auctioneers;" all license fees, per centum on sales, to be paid to city treasurer for the benefit of the city.

Not to affect sales authorized by revised statutes.

SECTION 2. All acts or parts of acts conflicting or interfering with any of the provisions of this act are hereby repealed so far as they affect the city of Fond du Lac, and no further; and shall, in all other respects, and as to other localities, remain in full force and effect.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 198.

[Published March 26, 1878.]

AN ACT to provide for the collection of the taxes therein named in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If from any cause whatever, the proper officers of any town, city or village in this state, shall be unable to collect the usual regular, annual, state, county, school, ward, and town taxes, by the first day of February of the year next after that for which said taxes were levied, upon being informed thereof by the peti-

How collection of taxes may be enforced.

tion of not less than ten of the tax payers of said town, city or village, it shall be lawful, and the governor of this state is hereby authorized and directed to issue his order or command to the clerk or clerks, and treasurer or treasurers of said towns, villages or cities, commanding said clerk or clerks, forthwith to proceed and make out a new tax roll for said taxes above named, and for no other, and said treasurer or treasurers to collect the same.

Clerk shall
make out new
tax roll.

SECTION 2. Upon the receipt of such order or command, the said clerk shall proceed to make out a new tax roll for said above named taxes, with a warrant annexed, the said roll and warrant to be made in all respects in the same manner as other tax rolls, and upon the receipt of the county treasurer's receipt for the town, city or village treasurer's and [bond] to declare [deliver] the same to the town treasurer, who shall then proceed to execute said warrant in the same manner in all respects as is provided by law for the collection of other taxes.

Upon issuing
new roll, original
roll to be
void.

SECTION 3. Upon the issuing of the said last mentioned tax roll, the similar taxes in the original roll shall be null and void, and the said taxes in the said last issued tax roll shall be of full force in the law, and all laws in relation to the levy and collection of taxes so far as they will make said taxes legal and effectual, shall apply thereto.

Punishment for
neglect of duty.

SECTION 4. Any clerk or treasurer who shall receive said order or command, and neglect or refuse to promptly and faithfully comply therewith, as above provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine and imprisonment or both in the discretion of the court.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.]

CHAPTER 199.

[Published March 29, 1873.]

AN ACT to reimburse Nelson Boutin, sheriff of Bayfield county, for expenses paid and incurred by him in suppressing a riot and keeping the peace in Ashland county, attached to Bayfield county for judicial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. There is hereby appropriated to Nelson Boutin, sheriff of Bayfield county, out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred and twenty-seven dollars, for the purpose of reimbursing the said Boutin for expenses paid and incurred by him in suppressing a riot and keeping the peace in Ashland county in January, A. D. 1878.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 200.

[Published March 25, 1873.]

AN ACT to amend section fifty-one of chapter thirteen of the revised statutes, entitled "of counties and county officers," and acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Section fifty-one of chapter thirteen of the revised statutes, entitled "of counties and county officers," as amended by chapter one hundred and sixty-three of the general laws of 1871, entitled "an act authorizing the publication of the lists of lots and lands on which taxes for the year 1870 are unpaid, in certain counties, in a newspaper printed in the German language," is hereby amended by inserting after the words, "any other than the English language," where they last occur, and before the word, "provided," the words, "to be designated by such county board of su-

When may publish tax notice in newspapers printed in foreign language.

pervisors," so that said section shall, when amended, read as follows: Section 51. In all cases where the board of supervisors of any county in this state shall deem it necessary for the better information of the inhabitants thereof, and when it appears from the last previous census that one-fourth or more of the adult population therein are of a nationality not speaking the English language, and in which there shall have been a newspaper published for one year or more in the language spoken by such nationality, they may order public notice relating to tax sales or other affairs of said county, to be published in one newspaper published in any other than the English language, to be designated by such county board of supervisors: *provided*, that all such notices shall be published in a newspaper published in the English language, as heretofore provided by law.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 201.

[*Published April 8, 1873.*]

AN ACT to amend chapter three hundred and forty-one of the private and local laws of 1867, entitled an act to authorize the use of moneys arising from the sale of certain swamp and overflowed lands in the counties of Manitowoc and Calumet, for drainage and other purposes, and to amend chapter five hundred and thirty-seven of the laws of 1865 relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter three hundred and forty-one of the private and local laws of 1867, entitled "an act to authorize the use of moneys arising from the sale of certain swamp and overflowed lands in the counties of Manitowoc and Calumet, for drainage and other purposes, and to amend chapter five hundred and thirty-seven of the laws of 1865, relating thereto," is hereby amended to read as follows: Section 2. A. Watrous, O. R. Potter and Theodore Kerstens, of Calumet county, and Adolph Piening, D. B. Knapp,

Swamp land commissioners—their powers.

Louis Faulhaber and William Carey, of Manitowoc county, are hereby appointed commissioners, to be known as the board of Manitowoc and Calumet county swamp land commissioners, and as such commissioners they are hereby authorized and empowered to act for and in behalf of said counties in execution of the trust by this act created, and by this said name shall be capable in law of taking, holding, leasing and contracting for, selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as the same may be necessary for the purposes mentioned in this act, and no further, and in that name may contract and be contracted with, sue and be sued, may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purpose and objects of this act, as the same are herein set forth.

SECTION 2. Section seven of said act is hereby amended so as to read as follows: Section 7. The said board may contract for the sale of any portion of said lands, at such prices as they shall be reasonably worth, but no less than one dollar per acre. They shall issue or cause to be issued to the purchaser of any tract of land so contracted to be sold, a certificate, signed by the president and clerk of said board, certifying that the lands described in said certificate have been contracted for by the person or persons therein named, for the sum of money stated in such certificate, and on presentation of such certificate at the office of the commissioners of the school and university lands and the payment of the sum of money therein stated, the person or persons so purchasing or buying such lands shall be entitled to a patent to be issued as provided by law: *provided, however,* that no patent shall be issued on a certificate which is not presented within thirty days after the date of its issue, but the lands contracted for shall revert to said board, and said certificate not presented within the time above specified shall be null and void.

Amended—
may sell lands
and give certi-
ficates.

Purchaser enti-
led to patent.

SECTION 3. It shall be the duty of said board to report annually, on the first day of April, to the commissioners of school and university lands:

Duties of the
commissioners.

1st. A list of lands contracted to be sold and for which certificates shall have been issued, together with the price for which each tract or parcel of land shall have been contracted for.

Shall report list
of lands.

Statements of
moneys re-
ceived.

Of moneys dis-
bursed.

Description of
land.

Improvements.

Shall send copy
of report to
school land
commissioners,
and to county
clerks.

Former con-
tracts to be
valid.

Not to revive
forfeited con-
tracts.

Counties not to
be liable for the
debts of the
board.

Secretary of
board to notify
contractors of
passage of this
act.

2d. A statement of all moneys received and the source from which received.

3d. A statement of all moneys disbursed, to whom paid, and for what purpose expended.

4th. A description of such tracts and parcels of land as remain unsold.

5th. The progress of the improvements contemplated by this act.

SECTION 4. One copy of the report required to be made by section three of this act, duly verified by the affidavits of the president, secretary and treasurer of said board, shall be sent to the commissioners of school and university lands, one copy to the county clerk of each of the counties of Manitowoc and Calumet; and said report shall be published once in the different newspapers printed in the counties of Manitowoc and Calumet, and such publication shall be paid for out of the treasury of said board at the rate prescribed by law for legal publications.

SECTION 5. All contracts for the sale of the lands described in section one of said chapter three hundred and forty-one of the private and local laws of 1867, entered into before the passage of this act, shall be valid, if presented within sixty days after the passage and publication of this act, but shall be null and void if not presented within the time above specified.

SECTION 6. Persons forfeiting their contracts for any tract or parcel of lands shall not be allowed to enter into contract for the same tract or parcel again, and no person shall have the privilege, by virtue of any such contract made or certificate held by him to enter such lands or cut timber standing thereon, before patent shall have been issued.

SECTION 7. Neither of the said counties of Manitowoc and Calumet, nor the said board of commissioners, shall be liable for any debt created by said board, or for any sum due or to become due on any contract or contracts, out of any fund, except the fund created under and in pursuance of this act, and the said chapter three hundred and forty-one of the private and local laws of 1867, to which this is amendatory.

SECTION 8. It shall be the duty of the secretary of said board to notify all persons having entered into contract with such board, for the purchase of any lands, of the passage of this act, and that they must apply for patents within the time prescribed by section five of this act, by publishing as soon as practicable a notice relating thereto in all the newspapers published in the said counties of Manitowoc and Calumet.

SECTION 9. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall be deemed a public act, shall be published immediately after its passage, and shall be in force from and after its publication.

Approved March 17, 1873.

CHAPTER 202.

[Published March 27, 1873.]

AN ACT for the better organization of the militia of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the commander-in-chief of the Wisconsin state militia to cause an inspection of each organized militia company by his adjutant general, one of the aids-de-camp or an inspecting officer for that purpose appointed, at least once in every year. Such inspection shall be held in the same manner and form as prescribed for troops in the service of the United States, and reports of inspection shall be made in due form to the commander-in-chief.

Shall make annual inspection of militia companies.

SECTION 2. The adjutant general shall, at least fifteen days before such inspection, inform the commanding officer of such company or battery of the time and place, where such inspection shall take place.

Shall inform officers of time of inspection.

SECTION 3. Each company or battery which, on inspection, shall prove to be properly organized as provided by law, and which shall have made all returns which, under the laws of this state, they are required to make, shall receive out of the general fund of the state, on warrants issued by the secretary of state, the sum of one hundred dollars per annum, which shall be in full compensation for rent of armory, pay of armorer and keeping in repair the ordnance and ordnance stores, furnished such company or battery, and no allowance shall be made hereafter for said purpose by the county board of supervisors of any county, except for rent and pay due and unpaid before the passage of this act.

Amount allowed to each company annually.

Companies not properly organized, to be dissolved.

SECTION 4. All companies and batteries not properly organized or conducted, or which shall not make and file with the adjutant general the returns required by law, shall be dissolved by order of the commander-in-chief, and the property of the state in possession of such company or battery or the commanding officer thereof, shall be returned to the state: *provided, however*, that the commander-in-chief may grant to such company or battery such time to complete their organization, or to furnish the returns required, as in his opinion may best serve the interest of the state and the militia organization thereof.

No pay to inspecting officer except mileage.

SECTION 5. The inspecting officer shall receive no pay for his services, but may be allowed mileage at the rate of ten cents for every mile actually traveled, which mileage shall be audited by the secretary of state, and paid from the general fund.

Appropriated.

SECTION 6. There is hereby appropriated from the general fund of the state a sum sufficient to pay the expenses created by the provisions of this act:

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect from and after its passage.

Approved March 17, 1873.

CHAPTER 208.

AN ACT to provide for the improvement of the west branch of Wolf river and Red river, in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall be entitled to receive tolls.

SECTION 1. For the purpose of improving the west branch of Wolf river and Red river, in Shawano county, so as to facilitate and insure the driving and floating of logs and timber down and out of said streams, it is hereby provided and enacted: That any person, association, company or corporation, their successors or assigns, who shall have improved said streams by clearing or straightening their channels, closing sloughs, erecting side, rolling and flooding dams, and shall keep in repair and operate the same so as to render the floating and driving of logs and timber down and out of said streams practicable and reasonably certain, shall be en-

titled to receive and collect for such service and expenditure the following tolls, to-wit: For and upon all logs and timber floated down and out of the west branch of Wolf river, twelve and a half cents per thousand feet, and on all logs and timber floated down and out of said Red river, twenty cents per thousand feet, board measure: *provided*, that such person, association, company or corporation having undertaken the improvement of said streams, for the purposes herein stated, shall not be entitled to receive tolls as hereinbefore provided, until at least five thousand, five hundred dollars shall have been expended on said improvements by said party or parties.

SECTION 2. It shall be lawful for any person or persons, association, company or corporation, their successors or assigns, having improved said streams as provided in section one of this act, to take possession of all logs and timber put into said streams, to be floated down and out of the same, the owner or agents of which shall not have made adequate provisions for driving, by furnishing all necessary tools, men, teams and provisions, for breaking roll-ways at the proper time, and making a thorough drive of said logs out of said streams without hindering the main drives, and to drive the same down and out of said streams into the Wolf river; and for such expenses of breaking roll-ways and driving any or all of such logs, shall charge and receive for the same, the actual cost incurred thereon, to be paid in equal proportions on either or both of said streams. May take possession of logs.

SECTION 3. For any tolls or charges as herein provided, which shall remain due and unpaid, the party or parties to whom such tolls shall be owing, shall have a lien on all logs upon which such tolls or charges or any part thereof shall remain unpaid, and on all other logs on said streams, owned by the party from whom such tolls or charges are due, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law. Shall have lien for tolls.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 204.

[Published March 29, 1873.]

AN ACT in relation to the swamp lands in the town of Burke,
Dane county, Wisconsin.

*The people of the state of Wisconsin, represented in senate
and assembly, do enact as follows:*

How drainage
fund may be
expended.

SECTION 1. The provisions of section twenty-one of chapter five hundred and thirty-seven of the general laws of 1865, for the purposes of this act, are suspended, so far as the same relates to the swamp lands in town of Burke, Dane county, Wisconsin, and the supervisors of said town are hereby authorized to expend the drainage fund now in the treasury of said town, or which may hereafter be received, for the purpose of reclaiming any swamp lands in said town, whether the same are within the definition of the term, "swamp lands," as used in said section twenty-one or not.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 205.

[Published March 25, 1873.]

AN ACT relating to statistics of property exempt from taxation.

*The people of the state of Wisconsin, represented in senate
and assembly, do enact as follows:*

Assessors to
report statistics
of exempt prop-
erty.

SECTION 1. It is hereby made the duty of all assessors throughout the state, when making out the next assessment roll, as now provided by law, to enter in books or on blanks, to be procured and furnished to them as hereinafter stated, in regular order, in the name of the owner, if known, from the best information they can obtain, a correct and pertinent description of all real and personal property, excepting such as is now exempted from taxation by subdivisions six, eight, nine, ten, eleven and twelve of section two of chapter one hundred and thirty of the general laws of 1868, in

their respective towns or wards not liable to taxation, and omitted from the assessment roll, together with a statement of its value, for what purpose used, and the reason why exempt, if ascertainable, conforming, as near as practicable, to all provisions of the law now existing relating to the assessment of property. When entering on such lists the right of way or track of any railroad or plankroad company, it shall be sufficient to state its length in miles, without any further details.

SECTION 2. The lists so prepared shall be corrected, revised and returned at the same time and substantially in the same manner as provided by law for the correction, review and return of assessment rolls generally, and, when completed, shall be delivered to and deposited with the county clerk, who, on or before the first day of October next, shall make out and transmit to the secretary of state a duplicate thereof.

Shall return lists to county clerk—he to secretary of state.

SECTION 3. The secretary of state shall compile in suitable form, the information so by him received, and include a condensed statement thereof in his next annual report.

Secretary of state to compile lists.

SECTION 4. It is hereby made the duty of the secretary of state to procure and cause to be distributed, on or before the first day of May next, suitable books or blanks for said purpose.

To furnish blanks.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 206.

AN ACT to amend chapter two hundred and sixty-two of the private and local laws of 1865, entitled "an act to authorize T. B. Sheldon and Wm. Howe to keep and maintain a ferry across the Mississippi river, near Red Wing, Minnesota."

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

SECTION 1. That section one of chapter two hundred and sixty-two of the private and local laws of 1865, is hereby amended so as to read as follows: Section 1. T. B. Sheldon and Wm. Howe, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years from the passage of this amendatory act, of keeping

Amended—exclusive right to build and maintain ferry.

Location of
ferry.

and maintaining a ferry across the Mississippi river, from the city of Red Wing in said state of Minnesota, across both channels of said river to any point on the east bank of the east channel of said river, within two miles up and down said east bank, from where the north and south section line, between sections two and three, in township number twenty-four (24), range number eighteen (18), in said Pierce county, or its prolongation strikes said east channel.

Amended—
may land boats
and passengers
at the termini
of the ferry.

SECTION 2. That section three of said chapter two hundred and sixty-two, be also amended as follows: Section 8. The said corporation may land their boats, passengers and property on any public highway which now does, or may hereafter terminate within the points above specified, or on the lands of any person or persons, they having first procured the permission of the owners of such lands so to do; and if such permission or consent cannot be obtained by amicable agreement, between such corporation and the owners of any land necessary to be used for landing and right of way, upon either bank of said channels within the state of Wisconsin, such corporation shall be authorized and empowered to apply to the judge of the circuit court of said Pierce county, in term time or vacation, for the appointment of three commissioners, residents and freeholders of said Pierce county, to be selected and appointed by such judge, to appraise and award the value of the easement for right of landing and way, required by or necessary for such ferry purposes, and upon such application being made, such judge shall thereupon require such corporation to give at least eight days' personal notice of the time and place of hearing such application, to each land owner, over whose land such easement is sought, and to all persons interested in such land, if known; but if it appears that any person or persons, interested in said land are unknown, or cannot be served with personal notice, that as to such persons notice upon them shall be served by publication in such manner and mode and for such time as the said judge shall order and require. That upon such hearing, the judge shall appoint said three commissioners, who shall personally view the premises sought to be taken, and if they deem best, take proof in the premises, and thereupon without delay determine and award the value of said right of landing and way required by said corporation, and report their doing and award to said judge for approval, giving to all persons personally served, notice when they will file such award with said judge, and if the same is approved,

May apply for
commission to
appraise land.

Judge to ap-
point commis-
sioners, who
shall report.

thereupon the payment of the amount so awarded to the clerk of said circuit court, to be by him paid to the proper parties entitled to the same, said corporation shall become entitled to the possession of said land, so proposed to be taken, and may have, hold and use the same for the purposes of such ferry and as roads for the convenience of the traveling public. And upon such report and proof of payment of the amount so awarded to said clerk, the said judge of said circuit court for said Pierce county, shall enter such judgment or decrees as shall fully protect the rights of all parties interested: *provided, however*, that if either party shall feel aggrieved, an appeal may be taken from such award of the commissioners within ten days from the filing of the same, and the same shall be appealed, tried and determined in the same manner as near as may be, as appeals from justices of the peace are tried and determined in said circuit court, and upon such trial and determination, judgment or decree shall be entered by said court as aforesaid: *provided further*, that if said corporation shall give a bond in such sum and manner as said judge shall direct and approve, to abide the final judgment and decree of the court in the premises, the said corporation shall be authorized to enter upon, hold and use the land so to be taken by it, the same as if such compensation awarded had been paid and no such appeal taken until such final judgment is rendered; and then upon the payment of the amount of such final judgment, the court shall at once enter a decree to confer upon such corporation the land and easement sought by such corporation.

May enter judgment on report.

Parties may appeal.

Company may give bond, and enter upon premises at once.

SECTION 3. That said T. B. Sheldon and William Howe, their associates or assigns, shall, within one year after the passage of this act, file or cause to be filed with the clerk of the board of supervisors of the county of Pierce, a bond to the said board, with two or more sureties, in the penal sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by this act, and the act to which this is amendatory, and in case of their failure so to do, they shall forfeit all the benefits that might accrue to them from its passage.

Shall execute bond to board of supervisors.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 207.

AN ACT to repeal section five of chapter seventy-six of the private and local laws of 1869, [entitled an act to incorporate the Embarrass River Improvement Company.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Section five of chapter seventy-six of the private and local laws of 1869 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873. .

CHAPTER 208.

AN ACT to repeal chapter twenty-three of the private and local laws of 1870, entitled "an act to incorporate the Green Bay and Manitowoc Plankroad Company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter twenty-three of the private and local laws of 1870, entitled an act to incorporate the Green Bay and Manitowoc Plankroad Company, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 209.

[Published March 29, 1873.]

AN ACT to repeal chapter four hundred and thirty of the private and local laws of 1870, entitled "an act to authorize the town of Ahnepee, in the county of Kewaunee, to issue the bonds of said town to aid in the construction of a harbor at the mouth of Ahnepee river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter four hundred and thirty of the private and local laws of 1870, entitled "an act to authorize the town of Ahnepee, in the county of Kewaunee, to issue the bonds of said town to aid in the construction of a harbor at the mouth of Ahnepee river," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 210.

[Published March 25, 1873.]

AN ACT to provide for the collection of certain statistics with a view of more fully equalizing the state taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby made the duty of all registers of deeds in this state, on or before the first day of September of each and every year, to make out and transmit to the secretary of state, a short detailed statement, in tabular form, of all sales of real estate made and recorded in their respective counties during the preceding year, which returns shall show:

1st. Date of conveyance.

2d. A short description of the land sold, and the quantity thereof.

3d. The consideration stated in the deed.

4th. The assessed value of the property, as shown by the last assessment roll.

Shall make out and transmit statement of sales of real estate.

Secretary of
state to compile
same in his
report.

SECTION 2. The returns and information so obtained shall be compiled by the secretary of state in a proper, suitable form, for use of the state board of assessors; and he may also, if by him deemed proper, include a condensed statement thereof in his annual report.

Compensation
of register.

SECTION 3. The registers of deeds, for making such returns, shall be entitled to a compensation of eight cents per folio, to be paid by the state out of any moneys not otherwise specially appropriated.

Shall distribute
blanks.

SECTION 4. The secretary of state is hereby required to procure and cause to be distributed, in time for making such returns, suitable blanks for said purpose.

Duplicate to be
filed with
county clerk.

SECTION 5. A duplicate of said statement and returns shall be filed by the registers of deeds, with the county clerk of their respective counties, on or before the first day of October of each and every year, for which duplicate said registers shall be entitled to receive from the county the same compensation as provided for making returns to the secretary of state.

Shall state ac-
tual considera-
tion.

SECTION 6. It is hereby made the duty of all parties executing a conveyance of real estate, to state and express therein, as near as practicable, the actual and true consideration of such sale and conveyance.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 211.

[Published March 24, 1873.]

AN ACT to encourage the artificial propagation and the introduction into this state of the better kinds of fish.

The people of the state Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred dollars, to be expended under the direction of Professor Spencer F. Baird, United States commissioner of fishes, in promoting the artificial propagation and the introduction into this state of the better kinds of fish.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 212.

[Published March 25, 1873.]

AN ACT to prevent the careless use of firearms.

*The people of the state of Wisconsin, represented in senate
and assembly, do enact as follows :*

SECTION 1. Any person who shall, intentionally, shall be fined.
point or aim any firearms at or towards any other per-
son, shall be guilty of a misdemeanor, and shall be
subject to a fine of not more than fifty dollars.

SECTION 2. Any person who shall discharge any shall be fined
or imprisoned.
firearms, while intentionally aimed at or toward any
person, shall be deemed guilty of a misdemeanor, and
shall be liable to a fine of not more than than one
hundred dollars, or imprisonment in the county jail
not to exceed one year, or both, at the discretion of
the court.

SECTION 3. Any person who shall maim or injure shall be fined
or imprisoned.
any other person by the discharge of any firearm
pointed or aimed intentionally at any such person,
shall be deemed guilty of a misdemeanor, and shall be
punished by a fine of not less than fifty dollars, or im-
prisonment in the county jail for a period of not more
than two years.

SECTION 4. Any person maimed or wounded by May recover
damages.
the discharge of any firearms as aforesaid, or the heirs
or representatives of any person who may be killed by
such discharge, may have an action against the party
offending, to recover damages therefor.

SECTION 5. This act shall not apply to any case Application of
act.
where firearms shall be used in self-defense, or in the
discharge of official duty, or in case of justifiable
homicide.

SECTION 6. This act shall take effect and be in
force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 213.

[Published March 24, 1878.]

AN ACT authorizing the construction of a levee along the Wisconsin river, in the counties of Columbia and Sauk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May construct
a levee upon the
Wisconsin
river.

SECTION 1. For the purpose of reclaiming the lands subject to overflow from the Wisconsin river, in times of high water, and protecting the highways from overflow, and enabling the proper authorities to keep them in a passable condition at all seasons, the authorities of the city of Portage and of the town of Caledonia, in Columbia county, and of Fairfield, in Sauk county, acting jointly or separately, are hereby authorized to construct a levee along the southerly banks of the Wisconsin river from any point in the city of Portage, or the town of Caledonia, to such point up the river into the town of Fairfield, and at such reasonable distance from the banks of the river, as may be necessary, and to maintain the same.

May appropri-
ate and expend
money, and levy
tax to pay the
same.

SECTION 2. For the purpose of defraying the expenses of constructing such levee, the authorities of the city and of the towns specified in section one of this act are hereby authorized to appropriate and expend such sums of money, and to levy a tax for the raising of such money, and at such time and to such an amount as may be necessary; and the authorities of the town of Caledonia are hereby further authorized to levy upon the land in said town, which will be immediately benefited by being protected from overflow by the construction of said levee, an additional tax sufficient to defray one-third of the expense of the cost of its construction, not exceeding the sum of fifteen hundred dollars, which tax shall be placed in the tax roll of said town in a separate column, and be collected and accounted for in the same manner as other taxes.

How apportion-
ment of tax de-
termined.

SECTION 3. For the purpose of determining the proper amount of tax each tract of land so benefited should bear, limited as specified in section two, the town board of supervisors of Caledonia shall ascertain what the cost of constructing such levee in said town will be, or has been, and notify the town assessor what one third of such amount is, and said assessor shall immediately proceed to assess against each tract of land

so benefited, the proper proportion of such amount as each tract, in his judgment, should bear.

SECTION 4. When the assessor shall have completed the assessment or apportionment of tax, herein provided for, he shall post notices in at least four of the most public places in said town, giving at least ten days' notice, that the chairman of the town board of supervisors of said town, together with the assessor and town clerk, will meet at the court house in Columbia county, on the day specified, as a board of review, for the purpose of hearing any person who thinks his assessment or apportionment too high; and if the board of review shall be satisfied that such assessment be too high, they shall have power to reduce it to such sum as they shall deem just, and to raise the assessment of other property to make up for the deficiency occasioned by the reduction. They shall have power to hear and examine any person or persons under oath in relation to the assessment of any property on said roll, and to correct any errors apparent in discription of property, or otherwise. All statements made before the board, asking for a reduction of tax, shall be reduced to writing by the town clerk and be preserved in his office. When the board shall have completed its labors, the amount standing against each tract of land returned by the assessor, as corrected by the board, shall be taken as the amount of tax which each tract of land shall be subject to, and the said amount shall be carried into the tax roll by the clerk, as provided for in section two of this act.

Assessor shall give notice of meeting of board of review

Board may reduce assessment, and examine witnesses.

Determination of the board to stand as the tax.

SECTION 5. The authorities of the city and towns named in this act are hereby authorized to enter upon and pass over any inclosure or lands, together with all needful aid for estimating the cost of such levee, and locating, constructing and repairing the same.

May enter upon lands.

SECTION 6. The provisions of chapter one hundred and fifty two of the general laws of 1865, as far as they relate to awarding damages for laying out roads and the recording of them are, as far as practicable, made a part of this act, for the purpose of laying out and constructing the levee herein authorized to be constructed.

Provisions made a part of this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 214.

[Published March 29, 1878.]

AN ACT to provide for the purchase of four hundred copies of Webster's unabridged dictionary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall purchase
dictionaries.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase, on behalf of the state, four hundred copies of the latest edition of Webster's unabridged dictionary, at a cost, delivered at his office, not to exceed eight dollars per copy.

How to be distributed.

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions of chapters sixteen and thirty-two of the general laws of 1867.

Appropriated

SECTION 3. There is hereby appropriated, out of the income of the school fund, a sum sufficient to pay for the dictionaries above provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 215.

[Published March 25, 1878.]

AN ACT to amend sections five and eight of chapter one hundred and three of the general laws of 1872, entitled "an act authorizing the formation of town insurance companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
shall give un-
dertaking for
payment of
losses.

SECTION 1. Section five of chapter one hundred and three of the general laws of 1872 is hereby amended so as to read as follows: Section 5. Every person so insured shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his *pro rata* share to the company of all losses or damages by fire or lightning, which may be sustained by any member thereof, and every such undertaking shall, within five days after the

execution thereof, be filed in the office of the secretary of such company, and shall remain on file in such office except when required to be produced in court as evidence. He shall also, at the time of effecting such insurance, pay such per centage in cash, and such reasonable sum for a policy as may be required by the rules or by-laws of the company.

SECTION 2. Section eight of said chapter is hereby amended so as to read as follows: It shall be the duty of the secretary, whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to his usual post office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made, but such time shall not be less than sixty nor more than ninety days from the date of such notice, and every person designated to receive such money may demand and receive two per cent. in addition to the amount due on such assessment as aforesaid, for his fees in receiving and paying over the same.

Amended—
secretary of
state to notify
persons belong-
ing to the com-
pany.

SECTION 3. Section ten of said chapter is hereby amended so as to read as follows: No company founded under this act shall insure any property out of the town or towns in which the said company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while on the premises or running at large, and hay and grain in the bin or stack: *provided, however*, that if a majority of the directors of such company, deem it proper to insure country stores and their stock, school houses and churches, it shall be lawful for them to insure the same, not to exceed fifteen hundred dollars in any one risk, but they shall not insure any property within the limits of any incorporated village or city in this state.

Amended—
shall not insure
property out of
town—class of
property to be
insured.

SECTION 4. Section eleven of said chapter is hereby amended so as to read as follows: The directors of each company so formed shall be chosen by ballot, at the annual meeting thereof, which shall be held on the first Tuesday of January in each year, unless otherwise determined by a majority of the voters in such company, and every person shall have one vote for each two hundred dollars for which he may be insured, but no person shall be allowed to vote by proxy at such election.

Amended—how
and when di-
rectors to be
chosen.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1872.

CHAPTER 216.

[Published March 25, 1873.]

AN ACT to levy a special tax in the third ward of the city of Milwaukee, and for the improvements of certain streets in said ward.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy and assess additional ward tax.

SECTION 1. The common council of the city of Milwaukee are hereby authorized and required to levy, assess and collect during the year 1873, and at the same time and in the same manner as other city taxes are levied, assessed and collected for said year, and in addition to the amount authorized by law to be raised by taxation for ward purposes in the third ward of said city, a tax of half a mill on the dollar upon all taxable property, real and personal, liable to taxation in said ward for said year.

How tax to be applied.

SECTION 2. The said tax so to be raised shall be used, applied and appropriated solely for the purpose of the improvement of the crossings in Broadway, in said ward, from Buffalo street to Erie street.

May order street improvements.

SECTION 3. The common council of the city of Milwaukee may, by resolution, order the streets herein named to be graded to the established grade, paved with the Nicholson or Degollyer pavement, sidewalks raised and laid with plank or flags, gutters paved, curbed and otherwise improved, without the intervention of a petition from property owners, viz: Detroit street, between East Water street and Broadway, Buffalo street, between East Water street and Broadway, Chicago street between East Water street and Broadway, Menomonee street between East Water street and Broadway, Erie street between East Water street and Broadway, all of the above mentioned streets being in the third ward of the city of Milwaukee.

What streets to be improved.

Board of public works to order improvements.

SECTION 4. The work mentioned in section three of this act shall not be ordered by the common council aforesaid, except upon the written recommendation of the board of public works of the city of Milwaukee, and of a majority of the local committee of said third ward.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 217.

[Published March 24, 1873.]

AN ACT relating to county judges' fees in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of Monroe county at their next annual meeting are hereby authorized and empowered to establish a salary for the office of county judge in said county, for the term to be filled at the April election of the year 1873, either to establish for such salary such fees as were allowed said office before the passage of chapter seventy-five of the general laws of 1867, or in lieu thereof, such a sum of money as the said county board shall deem just and compensatory.

May establish salary of county judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 218.

[Published April 22, 1873.]

AN ACT to amend chapter five hundred and forty of private and local laws of 1866, entitled an act to incorporate the Green Bay and Lake Pepin Railway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The counties of Brown and Wood, each of which has issued one hundred and fifty thousand dollars of bonds in aid of the construction of the Green Bay and Lake Pepin Railway; the city of Green Bay, which has so issued one hundred thousand dollars of bonds; the borough of Fort Howard, which has so issued forty thousand dollars of bonds; the village of New London, which has so issued fifty thousand dollars of bonds; the town of Plover, which has so issued thirty thousand dollars of bonds; the town of St. Lawrence, which has so issued fifteen thousand dollars

Towns, cities and villages that may elect railroad director. Green Bay.

Fort Howard.

New London.

Plover.

St. Lawrence.

Black Creek. of bonds; the town of Black Creek, which has so issued twelve thousand dollars of bonds; the town of Alma, which has voted so to issue fifteen thousand dollars of bonds, and has so issued ten thousand dollars thereof; the towns of Little Wolf and Scandinavia, each of which has so issued ten thousand dollars of bonds; and the town of Seymour, which has so issued seven thousand dollars of bonds; the town of Arcadia, after it shall have so issued the fifty thousand dollars of bonds heretofore voted in aid of such construction; the town of Mukwa, after it shall have so issued the thirty-five thousand dollars of bonds so voted; the town of Preston, after it shall have so issued the twenty-five thousand dollars of bonds so voted; the town of Dexter, after it shall have so issued the twenty thousand dollars of bonds so voted; the town of Hixton, after it shall have so issued the fifteen thousand dollars of bonds so voted; the town of Bovina, after it shall have so issued the ten thousand dollars of bonds so voted; the town of Helvetia, after it shall have so issued the seven thousand dollars of bonds so voted; the towns of Royalton and Dapont, respectively, after they shall respectively have so issued the five thousand dollars of bonds by each of them so voted; and all the other counties, cities, villages and towns of this state which shall hereafter issue their bonds in aid of such construction, after issue thereof shall, so long as they respectively continue to hold and own the stock of said railway company, issued or to be issued in exchange for such bonds, in addition to their existing right to vote upon the election of all other directors of said company, have the exclusive right of and among themselves, by vote of a majority of the shares owned by them collectively, to elect one of the directors of said railway company, who shall be styled the "municipal director," and who, in addition to all the powers and duties vested in or devolving upon any other director of said company, shall be specially charged with the care of the interests of all such counties, cities, villages and towns, as the same or any thereof may be affected by any action of said railway company; and the stockholders who, at any election of directors of said company, shall receive a majority of all the votes cast for municipal director, and by the authorized representatives of such counties, cities, villages and towns entitled to vote at such election, shall be deemed duly elected such "municipal director," to all intents and purposes, as if he had received a majority of all the votes cast at such election.

Shall be styled
municipal di-
rector—his
powers and du-
ties.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 219.

[Published March 25, 1873.]

AN ACT to amend chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc, and the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc," is hereby amended by adding a section at the end of said chapter three, to read as follows: Section 11. It shall be the duty of the board of aldermen to meet on the second Monday in March in each year, for the purpose of fixing the salaries of the following officers for the ensuing year, to-wit: City treasurer, city clerk, assessor, city attorney, bridge-tenders, and street commissioners: *provided*, that in case no quorum shall be present at that time, the board shall adjourn from day to day until a quorum be present; *and provided further*, that the salaries for 1873 may be fixed at any time previous to April fifteenth, 1873. Section 12. The board of aldeamen may appoint suitable persons as engineers, assistant engineers, drivers or firemen, for the purpose of taking charge of the steam fire engine and engines, and may from time to time describe by ordinance, or otherwise describe, the duties and fix the compensation of such persons so appointed.

Amended—
aldermen shall
meet and fix
salaries of city
officers.

May appoint ex-
aminers, etc.

SECTION 2. Section sixteen of chapter nine of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc," is hereby amended to read as follows: Section 26. It shall be the duty of the county treasurer of the county of Manitowoc to settle annually with the treasurer of said city of Manitowoc, and pay over to him all moneys belonging to said city, arising from the sale of lots and lands returned by said city treasurer to said county treasurer for the non-pay-

Amended—
county treasurer
shall settle
with city treasurer.

ment of taxes, in the same manner as such county treasurer is required by law to settle with and pay over to town treasurers in the several towns of said county of Manitowoc.

Amended—regulations for subdivision of lots.

SECTION 3. Section three of chapter three hundred and fifty-nine of the private and local laws of 1871, entitled "an act to amend chapter two hundred and seventy-five of the private and local laws of 1870," entitled "an act to incorporate the city of Manitowoc," is hereby amended by adding to section six of chapter ten in said section three of the act aforesaid, the following words: "Whenever, by deed or re-survey, any two or more lots in any block have been sub-divided so as to change the front of said lots from one street to another street, said lots shall have been deemed re-surveyed and re-platted, and shall be taxed for the purpose of improving streets and sidewalks on such streets on which they abut after such sub-division, but lots so sub-divided shall be at least one hundred feet long."

Amended—what property exempt from taxation, and how tax upon public grounds paid.

SECTION 4. Section three of chapter three hundred and fifty-nine of the private and local laws of 1871, entitled "an act to amend chapter two hundred and seventy-five of the private and local laws of 1870," entitled "an act to incorporate the city of Manitowoc," is amended by striking out section seventeen of chapter ten of said section three, and inserting the following: Section 17. No lot or parcel of land in the city shall be exempted from the payment of its proportion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or to the state of Wisconsin. All taxes levied upon any park or public grounds, by virtue of this act, shall be paid by the wards on that side of the Manitowoc river where said park or public grounds are situated.

Amended—taxation for the grading and repair of streets.

SECTION 5. Section three of the act named in the previous section is hereby further amended by striking out section nineteen of chapter ten of section three of said act, and inserting as follows: Section 19. Parts of streets which have been brought to grade (whether entirely finished otherwise or not,) shall not be liable to any taxation for the improvement of other parts of the same street; but if the sidewalks have not been graded, or if the road has not been graveled or paved, such grading, graveling or paving shall be done in the same manner as heretofore provided. If streets or parts thereof have once been thoroughly improved,

graded and graveled, and repairs become necessary afterwards, then such repairs shall be made and the costs thereof charged to the ward or wards in which such street is situated. In such cases, the street commissioner shall have charge of the works, and cause the same to be done.

SECTION 6. Section three of said act named in section four of this act is hereby amended by adding at the end of section twenty-one of chapter ten of said section three, the following additional section: Section 22. The board of aldermen may own, operate and keep in repair, or build, purchase, rebuild or rent one or more dredges and such dump-scows, scows, tugs or other vessels, or apparatus as may be necessary for the purpose of dredging the said Manitowoc river, or the streams of water in said city emptying into the same, to such depth as may be required, and the said board may lease such dredge, scow or apparatus to such parties, and under such conditions as may seem best to such board of aldermen, or they may operate such dredge, scows or apparatus in such manner and under such rules as they may prescribe by ordinance or otherwise. Said board may appoint such superintendent, engineers, firemen or operatives of any kind as may be necessary to work such dredge, scows or other apparatus, and may prescribe the price per hour or day or per cubic yard of ground dredged from said river, which shall be charged if said dredge, scow or apparatus are worked for private parties. The said board may, if dredging is ordered as prescribed in the preceding section, order the same to be done by the dredge owned or operated by said city, without letting such work by contract, and the certificate for the cost of such dredging shall issue to the said city, and be a lien upon said lot or lots as if issued under the provisions of said section twenty-one, above referred to.

Amended—
council may
own and oper-
ate dredges,
scows, etc., for
improvement of
navigation.

May employ
officers and
operatives for
dredging.

SECTION 7. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any alderman or other officer violating the provisions of this section shall suffer the same penalty as provided in section eighteen of chapter five of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc."

No city officer
to be interested
in public con-
tract.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect from and after its passage.

Approved March 17, 1878.

CHAPTER 220.

[Published March 24, 1878.]

AN ACT in relation to the issue of bonds by the city of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Not to issue city bonds except by order of circuit court.

SECTION 1. It shall not be lawful for the mayor, city clerk, or any other officer or agent of the city of Hudson, to sign or issue any bonds of said city to the North Wisconsin Railroad, in relation to which litigation is now pending in the courts, until after such time as an order shall have been obtained from the circuit court, directing said city or its officers to issue and deliver said bonds, and also until such order of the circuit court shall have been affirmed on appeal by the supreme court: *provided, however,* that any such order of the circuit court shall be promptly appealed to the supreme court.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1878.

CHAPTER 221.

[Published March 27, 1878.]

AN ACT to amend chapter one hundred and seventy-six of the general laws of 1861, entitled an act to incorporate fire companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended—fire companies may meet and elect trustees.

SECTION 1. Section one, chapter one hundred and seventy-six of the general laws of 1861, is hereby amended so as to read as follows, viz: Section 1.

Whenever any fire engine, hook and ladder, sack or other fire company shall have been duly organized, and shall have elected such officers as they are by law required to elect, and such organization and election of officers has been confirmed or sanctioned by the common council of any city, or the board of trustees of any village, or the board of supervisors of any town in which such village may be located having no board of trustees, in which such company may be organized, it shall be competent for any such company to assemble at their usual place of meeting, and according to the rules of their company, to elect any number of discreet persons, members of their company, not less than three nor more than nine in number, as trustees, to take charge of the estate and property belonging to such company, and to transact all business relative to the investment and disposal thereof.

SECTION 2. Section six of said chapter is hereby amended so as to read as follows, viz: Section 6. This act shall not be so construed as to interfere with the right of the common council of any city, or the board of trustees of any village, or the board of supervisors of any town in which such village may be located, having no board of trustees, to disband any fire company under their jurisdiction, for misconduct, or when from any other cause such council or board shall consider that such a course would be conducive to the best interests of such city or village.

Amended—not to interfere with rights of town, city or village authorities.

SECTION 3. All laws or parts of laws conflicting with any of the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 222.

[Published March 24, 1878.]

AN ACT to amend section twenty-six, chapter one hundred and ninety-one, private and local laws of 1871, entitled "an act to amend chapter forty-nine of the private and local laws of 1866, entitled 'an act to incorporate the village of Black River Falls.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—how
taxes to be
levied and col-
lected.

SECTION 1. Section twenty-six of chapter one hundred and ninety-one, private and local laws of 1871, entitled "an act to amend chapter forty-nine of the private and local laws of 1866, entitled 'an act to incorporate the village of Black River Falls,' " is hereby amended by striking out all after the word, "corporation," where it occurs in the fifth line of said section, so that the section will read as follows: "Section 26, All taxes levied by the said trustees shall be levied and collected in the same manner as taxes are levied and collected in said town for town and county purposes, and when so collected shall be paid over to the treasurer of said corporation."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1878.

CHAPTER 223.

[Published March 25, 1878.]

AN ACT to amend chapter fifty-eight of the private and local laws of 1869, entitled an act to revise, consolidate and amend an act, entitled an act to incorporate the city of La Crosse, approved March 14, 1856, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed—
council shall
provide for
ward funds.

SECTION 1. So much of section three of chapter fifty-eight of the private and local laws of 1869 as requires the assessment roll of the city of La Crosse to be

made out by wards, and to show the taxable property, both real and personal, of each ward separately, is hereby repealed; but the common council shall have power, whenever they deem it expedient, to provide by ordinance for the establishment of separate ward funds, and for making out the assessment roll of the city, both as to real and personal property, by wards; and no tax heretofore or hereafter assessed in said city shall be held invalid for the reason that the real or personal property of said city was or was not assessed by wards, nor shall the omission to assess any real estate in said city to the owner, or as unknown, affect the validity of any tax or assessment.

SECTION 2. The city of La Crosse is hereby exempted from the provisions of chapter one hundred and seventy-nine of the general laws of 1861, entitled "an act to create the office of county superintendent of schools," except in the matter of making reports to the county superintendent of schools of La Crosse county. Exempt from county superintendent system

SECTION 3. All acts or parts of acts contravening or conflicting with the provisions of this act are, for the purposes of this act only, hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1873.

CHAPTER 224.

[Published March 27, 1873.]

AN ACT authorizing county boards of supervisors to exercise jurisdiction over public highways in certain cases.

The people of the state of Wisconsin, represented in senate and assembly; do enact as follows:

SECTION 1. In case any organized town in this state, either through its proper officers, or by a majority vote of its citizens refuses to repair any public highway in such town, it shall be lawful for parties feeling aggrieved thereby, to appeal from such decision to the county board of supervisors of the county in which the town is situated. May appeal from decision of county court.

SECTION 2. In case of an appeal being taken from such decision and signed by not less than fifteen freeholders of such town, it shall be the duty of the county County board shall examine highway.

board of supervisors, at any regular meeting of the same, to examine such highway, either by all the members thereof, or by a committee of the same, and if in their judgment repairs ought to be made, said board shall determine what amount is necessary to repair said highway, and assess the amount so determined to said town, which amount shall be collected in the same manner as the highway tax is now required to be collected.

Shall exercise jurisdiction.

SECTION 3. In case of an appeal as above specified, the county board of supervisors shall exercise the same jurisdiction over such highway as the town board of supervisors exercise over other highways in said town.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 225.

[Published March 27, 1873.]

AN ACT to provide for levying and collecting a state tax for the year 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

State tax to be levied.

SECTION 1. There shall be levied upon all the taxable property of the state, and collected for the year 1873, a state tax of three hundred and twenty-one thousand, one hundred and ten dollars, in addition to the amount authorized to be levied by existing laws. Said tax shall be apportioned among and assessed upon the several counties of the state, and collected and paid into the state treasury as provided by law.

Secretary of state shall certify amount to each county.

SECTION 2. The secretary of state shall, at the time he is required by law to apportion the state tax among the several counties, also specially certify to each county the amount for which such county is in arrears to the state at the time of the apportionment of the state tax, which amount shall be levied and collected, and paid into the state treasury with the state tax for the year 1873.

County clerks to levy tax.

SECTION 3. It shall be the duty of the county clerks of the several counties to levy the amount of state taxes

apportioned to and charged against their respective counties, including their indebtedness as certified to them by the secretary of state upon all taxable property therein, as provided by law.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 226.

[Published March 29, 1873.]

AN ACT to amend chapter eighty-four of the private and local laws of 1872, entitled an act to apply the drainage fund of the town of Lebanon, in the county of Waupaca, for drainage purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter eighty-four of the private and local laws of 1872 is hereby amended by striking out the word, "sixteen," in the fourteenth line of said section, and inserting in lieu thereof, the word, "twenty-one." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 227.

[Published March 25, 1873.]

AN ACT to amend chapter seventy-six of the general laws of 1871, entitled an act to amend chapter twenty-five of the general laws of 1870, entitled an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company, approved March 14, 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter seventy-six of the general laws of 1871, entitled an act to amend chapter twenty-five of general laws of 1870, entitled an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Amended—
railroad com-
pany shall
make proposi-
tion in writing
to county town,
city or village
authorities for
aid.

Company, approved March 14, 1871, is hereby so amended as to read as follows, to-wit: Section 2. Whenever said company shall desire any such county, town, city or village to subscribe for, and take any of its stock or bonds, it shall make and deliver to the county clerk of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, a proposition in writing, signed by the president or vice president and secretary of said company, and sealed with its corporate seal, which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, and the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired to pay or secure payment of such subscriptions, whether in money or in bonds; and if bonds are desired to be issued therefor, then the amount of each bond, the aggregate amount of all the bonds, the rate of interest they shall bear, and the time of payment thereof. Upon receiving such proposition, the county clerk of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village to take into consideration the proposition of said company, when such board or proper authorities may, and upon written request of six legal voters of such county, town, city or village, shall give notice of an election to be held by the legal voters of such county, town, city or village, as the case may be, at such place, on such day and during such hours in the day as they may designate, which day shall not be less than five nor more than thirty days from the date of such notice, and such notice shall contain a statement of the substance of the proposition made by said company, as aforesaid, and call upon the legal voters to deposit each a ballot upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition," and any such proposition heretofore made and signed by the vice president, and all proceedings and contracts had or made under, or in pursuance of the same, shall be as valid and effectual as if the same had been signed by the president of said company.

County, town, city or village clerks to call meetings to vote on proposition.

Form of ballot.

Amended—if vote is for the proposition, proper officers shall subscribe for and take stock, and issue bonds therefor.

SECTION 2. Section four of said chapter seventy-six is hereby so amended as to read as follows, to-wit: Section 4. If a majority of the legal voters of any such county, town, city or village voting in pursuance of the provisions of this act, shall cast a ballot contain-

ing the words, "for the railway proposition," and the votes so cast in favor of such proposition shall, at the same time, be equal to a majority of the legal votes cast in such county, town, city or village at the election of governor next preceding the date of such proposition, it shall be the duty of the proper officers in behalf of such county, town, city or village, to subscribe for and take, or agree to take, stock or bonds of said company, of the kind and description, to the amount, and on the terms and conditions specified in such proposition of said company, and in payment therefor to make, issue and deliver to said company the bonds of said county, town, city or village, as the case may be, payable to bearer; or, in case such subscription is payable in money, and not to be secured by bonds, then it shall be the duty of the proper authorities of such county, town, city or village to levy, collect and pay to said company in money the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company, and such tax shall be in addition to all other taxes authorized by law, and shall be levied upon and collected from all taxable property in such county, town, city or village in the same manner that general taxes are levied and collected by law. All acts or parts of acts, if any, conflicting herewith, are hereby repealed.

SECTION 8. This act shall be deemed a public act, and shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

CHAPTER 228.

[Published March 27, 1878.]

AN ACT to amend chapter one hundred and forty-one of general laws of 1868, relating to the taxation of telegraph companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and forty-one of general laws of 1868, is hereby amended by adding to the end of said section as follows: "If any telegraph company, or its officers, shall fail to

Amended—
penalty for failure to comply with act.

comply with the requirements of chapter one hundred and forty-one of the laws of 1868, such company shall forfeit to the treasurer of this state, for the use of the state, the sum of five hundred dollars for each case of neglect, to be recovered in the name of the state treasurer, by action on this statute."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

CHAPTER 229.

[Published April 1, 1878.]

AN ACT to amend chapter two hundred and thirty-one of the private and local laws of 1869, entitled "an act to authorize the laying out of a state road from Green Bay to Depere," approved March 5th, 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
commissioners
appointed.

SECTION 1. Section one of the act of which this is amendatory is hereby amended so as to read as follows: Section 1. James M. Boyd, Vanden Wynguard and Arnold Martins are hereby appointed commissioners with full power and authority to lay out, establish and open a state road of eighty feet in width, from the south end of Webster street in the city of Green Bay, in the county of Brown, thence to some suitable point in the village of Depere, in said county, to be determined by said commissioners.

Shall make a
map of the road

SECTION 2. After said state road shall have been laid out and established by said commissioners, and within ten days from such laying out and establishment, the said commissioners shall make out a correct map or plat of survey of said road, and file the same in the office of the county clerk of Brown county.

Shall give no-
tice of laying
out road.

SECTION 3. Immediately after the filing of said survey, the said commissioners shall cause notice of the laying out and establishment of said road to be given to all the occupants of the lands through which said road may pass, stating that said commissioners will meet at a certain place within the town of Bellview, in said county, at a time to be therein named, for the purpose of appraising the damages sustained by any person or persons through whose lands said road shall be

laid out; such notice shall be served personally on all the occupants of said land, or by copy left with or at the usual place of abode of said occupants, at least five days before the time appointed for such meeting.

SECTION 4. The damages sustained by any person or persons through whose land said road shall be laid out and established, may be ascertained by agreement between the said commissioners and such owner or owners; every such agreement shall be reduced to writing and signed by such owner and the said commissioners, and filed in the county clerk's office; and every such agreement, and every release for damages given, shall forever preclude such owner and all persons claiming under him, from all further claim for damages. If there be any owner or owners of said lands who shall not agree with the commissioners as to the compensation they shall receive for damages sustained by them by reason of the laying out and establishment of said road, and who shall not, previous to the meeting of said commissioners, deliver to them a written release of all claims for damages sustained by them by reason thereof, said commissioners shall, at the time and place of meeting appointed by them as aforesaid, assess the damages which such owner or owners will sustain by reason of the laying out of said road through their lands, and make an award in writing, specifying the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of said land is unknown, the commissioners shall, in their award, specify the amount of damages awarded by them to such unknown owner. Said award shall be signed by the commissioners and filed in the county clerk's office, and on and after filing said award in the office of the said county clerk, the said road shall be a public highway, and be deemed opened and established for highway purposes.

How damages
to be ascer-
tained.

When owners
cannot agree
upon damages,
how assessed.

Award to be
signed and
filed.

SECTION 5. All damages and expenses necessarily occasioned by the laying out, establishment and opening said road, shall be paid by the city of Green Bay, the town of Bellview, and the village of Depere; and said commissioners shall each receive for their services in laying out and opening said road two dollars and fifty cents per day for each day they are actually engaged thereon, and a majority of said commissioners shall have full power to do and perform any act or duty required by this act to be done or performed by said commissioners.

How commis-
sioners to be
paid.

SECTION 6. Any party feeling himself aggrieved by the action of the said commissioners in awarding

Any party may
appeal from
award of com-
missioners.

damages aforesaid, may appeal therefrom to the circuit court of Brown county, by filing in the office of the clerk of said circuit court a written notice of appeal within twenty days from and after the filing of the award of damages, and by executing to the said city of Green Bay, town of Bellview, and village of Depere, and filing with said clerk of said circuit court an undertaking, with two sufficient sureties, conditioned to pay all costs incurred by reason of said appeal, if the damages finally received by said appellant shall not exceed the amount awarded by said commissioners; and upon the filing of said notice and undertaking, the clerk of said court shall enter such appeal on his docket, wherein the party appealing shall be plaintiff, and the city of Green Bay, town of Bellview, and village of Depere defendants; and such action shall be heard and determined as other issues of fact joined in said court.

Board for auditing accounts and claims arising under this act.

SECTION 7. The mayor of the city of Green Bay, the chairman of the town of Bellview, and the president of the village of Depere are hereby constituted a board for the purpose of auditing all accounts and claims arising under the provisions of this act, and upon the certificate of a majority of said board, filed with the clerk of each of said municipalities, on or before the first day of October in each year, setting forth the amount of expense necessarily and properly to be incurred for the improving and maintaining of said road during the year commencing at said date, the clerk of each of the municipalities aforesaid shall, in making up the tax roll for each year, include therein, and carry out in the column of state and cash taxes, the amount of tax chargeable, as appears by such certificate, against the city, town or village, as the case may be, on account of said road, which amount shall be thus ascertained, viz: by calculation of the relative value of the taxable property of each of said municipalities as the same shall have been fixed by the last previous board of county equalization, and by assignment of the proportion of said tax according to the ratio which the taxable property of each of said municipalities bears to the aggregate value of the taxable property according to said equalization of said city, town and village, taken together. The said board shall elect one of their number as chairman, and the clerk of the city of Green Bay shall be ex-officio the secretary of the board.

How amount to be ascertained and apportioned.

Repealed.

SECTION 8. The act entitled "an act to authorize the laying out of a state road from Green Bay to Depere," approved March 5th, 1869; and the amendments

thereto, are hereby declared to be in force, except when the provisions thereof conflict or are inconsistent with the provisions of this act, and in which latter case, all of such conflicting or inconsistent provisions are hereby repealed.

SECTION 9. The county superintendent of highways shall, as soon as practicable after said highway shall have been opened and established in accordance with section four of this act, and annually thereafter on or before the 1st day of June, report to the said auditing board upon the condition of said highway, the amount and character of the work necessary or proper to be done thereon during the ensuing year, and furnish therewith a specific estimate of the cost thereof, and for such services shall be entitled to receive five dollars per diem for all the time necessarily employed therein.

Superintendent to report on condition of road, etc.

SECTION 10. The said board shall have authority to procure the performance of the work required upon said highway, either by contract or otherwise.

Shall procure work done.

SECTION 11. The treasurer of the said city of Green Bay, town of Bellview and village of Depere, shall annually, within thirty days after the expiration of the time for the collection of taxes, pay over to the county treasurer of Brown county the sums collected by them on account of said state road tax, and the said sums so paid over shall be held by said county treasurer as a separate fund, to be called "the state road fund." Payments from said fund shall only be made upon the order of the chairman of said auditing board, which order shall be countersigned by the secretary thereof.

City, town and village treasurers to pay over to county treasurer.

SECTION 12. In case the commissioners shall have laid out and opened said road through any enclosed, cultivated or improved lands, and their determination shall not have been appealed from, they shall give the owner or occupant of such lands notice, in writing, to remove his fences within such time as they shall deem reasonable, not less than thirty days after giving such notice, and if such owner or occupant shall not remove his fences within the time required in such notice, the said superintendent of county highways shall cause such fences to be removed; but if the determination of the commissioners shall have been appealed from, then such notice shall be given after the final decision of such appeal.

Shall give notice for removal of fences, etc.

SECTION 13. The certificate which shall be filed by said board (in accordance with section seven of this act) on or before the first day of October, 1873, shall include also a certificate of the expense incurred and to be incurred for laying out and opening said road, as

What certificate shall include.

well as for maintaining and improving the same, either previous to or during the year succeeding said date.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 230.

[Published March 27, 1873.]

AN ACT to amend section ten of chapter one hundred and twenty-seven of the general laws of 1872, entitled "an act to provide against the evils resulting from the sale of intoxicating liquors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
application of
act.

SECTION 1. Section ten of chapter one hundred and twenty-seven of the general laws of 1872 is hereby amend by adding to said section ten, the following words: All the preceding sections of this act shall apply to and be in force in each and every city and incorporated village in this state, any provisions in the charter of any such city or village to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1873.

CHAPTER 231.

AN ACT relating to and amendatory of section eleven of chapter three hundred and twenty-eight of the private and local laws of 1867, entitled an act to incorporate the Eagle Rapids Flooding Dam and Boom Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
may construct
and maintain
dam.

SECTION 1. Section nine of chapter three hundred and twenty-eight of the private and local laws of the year 1867 is hereby amended so as to read as follows:
Section 9. The said company shall be and is hereby

authorized and empowered to construct, maintain and keep in repair, a dam across the Chippewa river, on section twenty-two, in town twenty-nine north, of range eight west, at Eagle Rapids, in Chippewa county, Wisconsin, at such height as not to raise the water to exceed twelve feet above low water mark, at the mills of S. Webb & Co., at the head of said rapids: *provided*, ^{Limit of height of dam.} said dam shall not exceed twenty-two feet from low water mark to the top of said dam, said dam to be provided with a suitable chute and slide for the free passage of lumber and logs; said slide not to be less than twenty-four feet wide, and of suitable length to pass rafts without danger or delay; said dam also to contain a sufficient number of flood gates to draw the water from the pond created by said dam, and also a proper sluice or chute for the running of logs in low water over the said dam.

SECTION 2. Section eleven of said chapter is hereby amended by adding thereto the following: *provided*, ^{Amended—how title to land to be acquired.} that for the purpose of acquiring title to any land which the said dam will cause to overflow, or which may be necessary to flow by reason of the erection of said dam to the height herein provided, the said company shall proceed in the same manner as is provided by chapter one hundred and nineteen of the general laws of 1872, in relation to the organization of railroad companies, so far as the same shall be applicable hereto, and shall be entitled to all the rights and powers granted by said act to and in such lands.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 232.

[Published March 20, 1873.]

AN ACT to amend an act entitled an act to incorporate the city of Wausau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That from and after the passage of this ^{city limits.} act, all that district situated in the county of Marathon, and state of Wisconsin, and described as follows: All

Name and powers. of sections thirty-six (36), twenty-five (25), twenty-six (26) and thirty-five (35), all in township number twenty-nine (29) north, of range seven (7) east, shall be known and designated as the city of Wausau, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever, with powers of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Division into wards. SECTION 2. The said city shall be divided into four wards, the boundaries of which shall be as follows, to-wit: All of that territory lying west of the Main street of the village of Wausau shall constitute the first ward, and that portion lying east of Main street and south of Washington street, shall constitute the second ward, and that portion lying east of Main and north of Washington street, shall constitute the third ward.

How corporate authority vested. SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

Elective officers and their terms of office. SECTION 4. The elective officers of said city, shall be a mayor, a treasurer, a marshal, one police justice for the city-at-large, a city clerk, a chief engineer for the city-at-large, a city attorney, two aldermen, an assessor and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: the mayor, assessor, treasurer, marshal, chief engineer, city clerk and city attorney for one year; the aldermen, police justice and justices of the peace, for two years; the term of office shall commence on the first Monday after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed by this, or as may be prescribed by this, or as may be prescribed by any ordinance of said city, not inconsistent with this act, or which may not be incompatible with their respective offices.

Election of city and ward officers. SECTION 5. On the first Tuesday of April of each year, the qualified electors of said city of Wausau shall elect one mayor, one assessor, one treasurer, one police

justice, one chief engineer of the fire department, one clerk and one city attorney, which said officers shall be qualified voters resident in said city, and on the same day, and at the same place of holding said election, the said qualified electors shall also elect aldermen and one justice of the peace for each ward; the aforesaid officers shall be residents of the respective wards. The election shall be held in the first ward at the Lake Superior house, in the second ward at the Forest house, and in the third ward at the engine house. The voters present shall have power to proceed by nomination and *viva voce* election, to elect three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this state), to see that said election shall be conducted in accordance with the laws of the state of Wisconsin, and any fraud or violation of said laws at said election shall be punishable the same as any violation of the election laws of this state; and at every subsequent first Tuesday in April thereafter, elections shall be held in the same wards in said city, for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect by *viva voce*, a sufficient number of inspectors to make three, with the alderman or aldermen present, who shall be sworn in accordance with the laws of the state. They shall appoint two clerks, who shall severally take and subscribe the oath of office; and shall see that the names of the voters are registered, and the ballot safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the vote presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of said returns to the clerk of the city council, and the other to the clerk of the county of Marathon. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after the election, meet at the common council chamber, and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be open from 9 o'clock, A. M., until 6 o'clock, P. M.

Places of election.

Inspectors of election.

Time of each annual election fixed.

Clerks of election—their duties.

Board of canvassers.

SECTION 6. In the event of a vacancy in the office of mayor or alderman, by death, removal or other disability, the common council shall order a new election,

How vacancies filled.

and shall give five days' notice thereof. Any vacancies in the other offices shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Manner of voting at elections, and by the council.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the common council may at their option be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as they may direct. All persons entitled to vote for state or county officers, and who shall have resided in the city for ten days preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and having six months' residence within the said city, to hold any office hereby created.

Qualifications of voters.

Special elections.

SECTION 8. Special elections to fill vacancies for any other purpose, shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be made at the same time and in the same manner as of general or annual elections.

Classification of aldermen.

SECTION 9. There shall be elected at the first election under this act, two aldermen in each ward, who shall hold their office for one year, and at every annual election thereafter two aldermen in each ward, who shall hold their office for one year; the aldermen named on the tickets as member of the county board of supervisors, shall also be the member of the board of supervisors from that ward for one year.

When office deemed vacant.

SECTION 10. Any officer removing from the city, and any officer removing from the ward of which he was elected, and any officer who shall refuse or neglect to qualify within twenty days after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

OFFICERS—THEIR POWERS AND DUTIES.

What officers shall take oath and give bonds.

SECTION 11. Every person appointed to fill any vacancy under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer

taking the same, with the city clerk, and the treasurer, marshal, police justice and justices of the peace and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Wausau, a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SECTION 12. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of said city discharge their respective duties. He shall sign all contracts duly authorized by the council, and shall also sign all ordinances that are passed upon by the common council, and also sign all orders drawn on the treasurer; upon a vote of the common council, he shall appoint a police in such numbers as the common council may direct, and in case of a riot or disturbance of the peace, shall call out the members of the different fire companies, who on such occasions shall have the same authority, and shall be vested with the same powers as policemen. He shall communicate to the common council in writing, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

The mayor—his powers and duties.

SECTION 13. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number as president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the president shall execute all the powers and duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall perform the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Election of president of the council—his powers and duties.

The chief engineer of the fire department—his powers and duties.

Particular duties specified.

The city clerk—his powers and duties.

SECTION 14. The chief engineer shall have control of the fire department of the city of Wausau, and to prescribe the duties of the officers and members thereof, and together with the mayor and aldermen shall provide all necessary apparatus for the extinguishment of fires, to require the owner or occupants of buildings to provide and keep suitable ladders and fire buckets, if they are deemed necessary by him and the council, and which, if so procured, shall be declared to be appurtenances to the real estate and exempt from seizure, distress or forced sale in any manner, and if any such owner or occupants of any building shall refuse or neglect to procure suitable ladders and buckets, if requested so to do by the council, the chief engineer may procure and deliver the same to him, and in default of payment therefor, the council is hereby empowered to levy the costs and charges therefor as a special tax upon the real estate, and which shall be collected as other taxes of the city. The chief engineer shall have the power to regulate the storage of gunpowder and other dangerous materials; to direct and prescribe the construction of places for the safe depositing of ashes; to regulate the manner of putting up stoves and stove-pipes, and the construction of chimneys and the cleaning thereof; to compel the inhabitants of said city to aid in the extinguishment of fires, and to pull down or break down and raze such buildings in the vicinity of fire as shall be directed by the mayor and aldermen, or at least by two aldermen, who may be at the fire, for the purpose of preventing its communication to other buildings; to prevent bonfires and the use of fireworks and firearms within the limits of said city or such part thereof as he sees proper, and to have control over and preserve all the reservoirs, pumps, wells and other works, and to regulate the use thereof, and generally to establish such other measures of prudence for the prevention or extinguishment of fires as may be necessary and as he deems proper.

SECTION 15. The city clerk shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of proceedings of the common council. The record of the proceedings of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall keep a full and accurate account of all orders drawn on the city treasury, in a book pro-

vided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

SECTION 16. The city attorney shall perform all the professional services incident to his office, prescribed by ordinances, and when required, shall furnish written opinions to the common council or its committees. The city attorney—his duties.

SECTION 17. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, shall make a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer—his powers and duties.

SECTION 18. The marshal shall also be the collector of the taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same penalties, be governed by the same laws and receive the same compensations as treasurers of towns. He shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and the collection of license money and fines. He shall possess all the powers of constables of towns and be subject to the same penalties. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offenses against any ordinance of said city or any law of this state, and forthwith to bring such person before competent authorities for examination; and for such services, he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, whose appointment shall be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. The city marshal—his powers and duties.

Shall let the public printing to the lowest bidder.

Publication of ordinances.

Delivery of property, books, etc., to successor in office.

Peace officers—their duties.

Penalty for refusal of aid.

SECTION 19. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the use of the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Wausau, unless the bids of such publishers shall be higher than the legal rates of advertising, as fixed by law, or unless such publisher or publishers should fail to bid. All ordinances and other proceedings required by this act, or by the laws or ordinances of the common council, to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavit of the length of time said ordinance, by-law or proceeding had been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

SECTION 20. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and all effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of the state.

SECTION 21. The mayor, sheriff of Marathon county, each and every alderman, marshal, chief engineer and foreman of fire companies and their assistants, watchmen, all justices of the peace, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose, may command the assistance of all by-standers, and if need be, of all citizens and military companies. If any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SECTION 22. The police justice shall have the same power and jurisdiction as a justice of the peace, and exclusive jurisdiction in all cases arising under the city charter and the city ordinances, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of the authority as conservators of the public peace, nor to effect in any manner the powers or jurisdiction of the circuit or county courts of the county of Marathon. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city, shall not be liable to the said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinance of the city, wherein the offender shall have been discharged from imprisonment or custody by the the authority of the common council. In case of absence, sickness or other disability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall be thereupon the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from the justice of the peace.

The police justice—his powers, duties and jurisdiction.

His fees.

His substitute.

SECTION 23. The police justice shall quarterly, report to the common council a list of all proceedings instituted before him in the behalf of the city, and the disposition thereof, and shall, at the same time, account and pay over to the treasurer, the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable or pay any costs for violation of any law of this state.

Shall make quarterly report.

SECTION 24. The common council may elect a city surveyor, and by the by-laws of said city, may prescribe his powers and duties.

May elect city surveyor.

SECTION 25. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Wausau do ordain," &c. The common council shall meet at such time and place, as they by resolution shall

Style of ordinances, etc.

direct. A majority of the aldermen shall constitute a quorum.

Stated meetings, rules, etc.

SECTION 26. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rule of its proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

The general and special powers of the common council defined.

SECTION 27. The common council shall have the control and management of the finances, and of all the property belonging in the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, amend, modify and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and enforcing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions, or by-laws,

The licensing of shows, sale of liquors, etc.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors and to regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous or fermented liquors, and to repeal the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that all licenses granted shall terminate on the first day of May next following; and *provided further*, that no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on election days.

Restrain gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the

purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Prevent riots, etc.

4th. To compel the owners or occupants of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city; and the said common council shall have power at any regular meeting to enact, ordain, publish and provide for necessary and suitable by-laws, which said by-laws so provided for, enacted and ordained, shall be the law, rule and regulation, until the same shall be abrogated and repealed by said board in the following cases. The cleaning or abatement of nauseous places.

5th. To regulate the location of slaughter houses. To prevent the obstructing of the streets. To prevent horse-racing, fast riding or driving in the streets, and to regulate places of bathing and swimming. To restrain horses and other domestic animals from running at large and provide rules for impounding and sale of the same; to prevent the running at large of dogs. Slaughter houses, the obstruction of streets, horse racing, etc.

6th. To establish public pounds, pumps, wells, cisterns and reservoirs; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, draymen and cartmen; to erect lamps and to provide for lighting streets, public grounds and public buildings; to authorize the building and protecting of sidewalks in the city. Establish public pounds, etc.

7th. To restrain drunkards and immoderate drinking or obscenity in the streets or public places. Restrain drunkards.

8th. To compel the owners or occupants of grounds or buildings, where the same are occupied, to remove all obstructions from the sidewalks. Remove obstructions.

9th. To regulate auctions. Auctions.

10th. To appoint watchmen and prescribe their duties. Watchmen.

SECTION 28. The common council shall examine, audit and adjust the accounts of the city clerk, street commissioner, treasurer, and all other officers and agents of the city, at any such time as they may deem proper, Shall adjust accounts.

and also at the end of each year, and before their term of office expires.

May lay out,
alter or discon-
tinue streets.

SECTION 29. The city council, within the city limits shall have full power and authority to lay out, alter or discontinue any highway, street, lane, alley or public walk therein, or to grade, pave or otherwise improve the same, as they may deem necessary or advisable: *provided*, that no street, lane or alley shall be laid out by said council through any outlot containing more than five acres, unless the consent of the owner or owners thereof be first obtained in writing.

Shall act on pe-
tition of free-
holders.

SECTION 30. No highway, street, lane, alley or public walk shall be laid out or altered, unless a petition, signed by at least six freeholders, residents of the city, shall be presented to the common council, asking therefor, describing the same with reasonable certainty, and if the same requires the taking of private property for public use, against the consent of the owners, not until the necessity thereof shall be first established by the verdict of a jury.

Shall give no-
tice when pri-
vate property is
taken.

SECTION 31. On presenting such petition, if it shall appear that private property is required to be taken, against the consent of the owners, the city council shall cause a notice of such application to be published for two weeks, in one or more newspapers of said city, stating that on a certain day therein to be named, a jury will be summoned by the city marshal, to hear and decide upon such application, and the necessity of taking such property.

Mayor shall
issue venire for
jurors.

SECTION 32. On or before the day named in said notice, the mayor of the city or in his absence, the acting mayor thereof, shall issue a venire directed to the marshal of said city, requiring him to summon a jury of six disinterested freeholders thereof, who have no interest in the property proposed to be taken, and are in no wise of kin to any person who has interest therein, whose duty it shall be to view the property proposed to be taken, and hear such proofs as may be offered by any person interested in the same; such witnesses may be sworn by the city marshal.

Jury shall
make out ver-
dict in writing.

SECTION 33. If such jury shall agree, and if not, new venires may be issued, and new juries summoned until they do agree, they shall make out and deliver their verdict in writing, signed by them, to the city marshal, who shall deliver the same to the city clerk, to be filed and delivered by him to the city council at their first meeting thereafter.

Shall cause
grounds to be
surveyed.

SECTION 34. If the jury shall have returned a verdict that it is necessary to take private property for

public use, as required by said petition, the city council may thereupon cause said highway, street, lane, alley or public walk to be laid out or altered, if they shall deem it for the interest of the city, and thereupon shall cause the same to be carefully surveyed and recorded, and an order to be entered among their proceedings, confirming said verdict.

SECTION 85. The city council shall thereupon, by an order entered in their proceedings, appoint three disinterested persons, freeholders of the city, commissioners, whose duty it shall be to view and examine the proposed highway, street, lane, alley, public walk or alteration thereof, and ascertain and appraise the just value of the property of the individuals, necessary to be taken therefor. They shall also ascertain and appraise the necessary cost, expenses and damages for laying out, opening or altering the same, and make report thereof, under oath, to the city council, within such time as may be limited by said order.

Council shall appoint commissioners to view premises.

SECTION 86. The commissioners shall also view, ascertain, assess, determine and report to the city council, what property, lots and parcels of land are or will be benefited by the laying out, opening or alteration of any such highway, street, lane, alley or public walk, and assess, designate, apportion and determine the costs, expenses and damages of laying out, taking, opening or altering of the same, on the property, lots and parcels of land so benefited, in just proportion, making out a list thereof, as they shall assess and apportion the same.

They shall determine and report benefits and damages.

SECTION 87. The commissioners, in all cases where property, lots or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make out a list thereof, and shall strike the balance between the damages and benefits so assessed, and make out a list of the same and report the same to the common council.

Shall strike balance between damages and benefits.

SECTION 88. The commissioners shall, immediately after their appointment, and before proceeding to discharge their duties as aforesaid, give notice in one or more newspapers of the city for at least one week of the time and place in which they will meet to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned, they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have power to administer an oath to any witness offered.

Shall give notice of meeting to hear objections.

Aggrieved persons may appeal from assessment.

SECTION 39. If any witness shall deem himself aggrieved by such assessment or apportionment, he may at any time within ten days after the filing of the same, appeal therefrom, by notice in writing to the city council, and ask for a review and rehearing thereof, and the city council shall thereupon appoint a day and place for such review and rehearing, at which day and place they shall proceed to hear and review the same, and shall hear such proofs and witnesses as may be offered, to be sworn by the mayor or acting mayor, and may alter or modify said assessment or apportionment, as they shall deem just and right.

Council may enter order of confirmation.

SECTION 40. If no appeal shall be taken, or if taken, whether modified or not, the city council may, if they deem it just and for the interest of the city, enter an order in their proceedings, that the same be confirmed.

No street to be laid out till damages are paid.

SECTION 41. No such highway, street, lane, alley, public walk or alteration thereof shall be laid out, opened or made, until an order shall be entered, directed to the city treasurer, to pay the owners of property which has been taken against their consent, the amount or balance so assessed or awarded in their favor.

Assessments to be a lien upon property.

SECTION 42. All sums so assessed and confirmed, shall be a lien upon property so assessed and apportioned, and for the payment of which such property, lots or parcels of land shall be liable, and the same shall be collected with, and as other taxes are collected in the city.

In all other cases, how lay out streets.

SECTION 43. In all other cases, the city council may lay out, alter or discontinue any highway, street, lane, alley or public walk, wherever they may deem the same proper or advisable, by an order entered in their proceedings, specifying and describing the same: *provided*, the same is applied for by petition, as hereinbefore mentioned, and two weeks' notice of the same shall have been previously published in one or more newspapers of the city.

Definition of terms.

SECTION 44. The words, public walks, shall be construed to mean any public ground or square which may be regarded necessary or desirable, for the health or convenience of the city; and the words, alter or alteration, to mean any widening, extending or other change of any highway, street, lane, alley or public walk which may be regarded useful, convenient or necessary to make.

SECTION 45. The city council shall, within the city limits, have full power and authority over all harbors, basins, slips, wharfs, docks, piers and other places for landing, fastening and mooring boats, vessels, scows, rafts, timber, lumber, merchandise or any other materials or substances whatever, and also over all rivers, creeks, streams and sloughs therein, with full power and authority to deepen, widen, dredge or otherwise improve such harbors, basins, slips, wharfs, docks, piers and places of fastening and mooring boats, vessels, scows, rafts, timber, lumber and merchandise, as they shall deem necessary for the business interests of the city.

Council to have full power over harbors, etc., and may improve the same.

SECTION 46. All such power and authority shall be exercised by the passage of ordinances therefor. And no such authority shall be exercised, except upon the application of six resident freeholders of the city, expressing in said application, with reasonable certainty, the ordinance desired; and no such ordinance shall pass or be of any effect, unless the same shall have been published at least two weeks, in one or more newspapers of the city; or unless a majority of the aldermen elected shall vote therefor, which vote shall be by the ayes and nays, and entered in the minutes of their proceedings.

How such power and authority to be exercised.

SECTION 47. And if such application shall require that private property shall be taken for public use against the consent of the owner, no such ordinance shall be passed until the necessity thereof shall first be established by the verdict of a jury in the same manner as in laying out or altering highways, streets, lanes, alleys or public walks.

Not to take private property till necessity is established.

SECTION 48. If the city council shall pass such ordinances, commissioners shall be appointed, with the same power, and the like proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes or alleys or public walks.

Shall proceed same as in laying out streets.

SECTION 49. The city council shall have full power and authority, within the city limits, to drain or cause to be drained, and to direct the manner of draining all marsh and wet lands therein, in such manner as they shall deem necessary and advisable.

Shall direct drainage of marshes, etc.

SECTION 50. No such authority shall be exercised except upon the like application or petition as in laying out or altering highways, streets, lanes, alleys or public walks, and if such application requires that private property shall be taken for public use against the consent of the owners, not until the necessity thereof shall be first established as therein required,

Authority shall be exercised in the same way as in laying out streets.

and whenever any ordinance for that purpose shall be passed, the same proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes, alleys or public walks.

Council may appoint street commissioners for each ward.

SECTION 51. The common council shall have power to appoint a street commissioner for each ward, and may, by by-laws, define his powers and duties, and for that purpose may make and enact such by-laws as they may from time to time deem proper, for the surveying and grading of streets, and for the payment of damages for the construction of sidewalks. Such by-laws shall not conflict with any provisions or ordinances herein mentioned, or with the laws of the state of Wisconsin.

All city funds, except school fund, to be under control of council.

SECTION 52. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

City debts must be authorized by majority vote.

SECTION 53. No debt shall be contracted against the city, or order drawn upon the treasury of the city, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council; and no money shall be appropriated for any purposes whatever, except such as is expressly authorized by this act.

Fines, forfeitures, etc., to be paid into general fund.

SECTION 54. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, rules, by-laws and regulations of the city, and all moneys received for licences, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of all the aldermen elect.

All property subject to taxation.

SECTION 55. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in

the manner hereinafter provided. The assessor of each ward, elected under this act, shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Powers of the assessor.

SECTION 56. On or before the first Monday of May of each year, the assessors shall meet at the common council chamber, and shall organize by electing one of their number as chairman, who shall be authorized to administer such oath as shall be necessary in the discharge of his duties as assessor, and on or before the first day of July of each year, the said assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person and body politic shall be affixed the value of personal property assessed to each. When there are buildings on any lot or tract of land, the value of the same shall be set forth separately, when so desired by the owner thereof. The assessor may assess any lot or tract of land to the owner or occupant in such parcels or subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. The assessment roll shall be certified to by the assessor. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

Meeting of assessors and making out of the assessment roll.

Buildings to be assessed separately, and may assess lots in subdivisions.

SECTION 57. On the first and second Mondays of July, and at such other time and times as he may appoint, the assessor shall appear at the common council chamber, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations or revisions as justice or equity may require.

When hear objections.

SECTION 58. On or before the first Monday of July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omis-

Return and correction of assessment roll.

sions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said tax, except by the value of such real property as may have been omitted by the assessor.

When corrected shall be filed with the clerk.

SECTION 59. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council, on the first Monday of August of each year, or within ten days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to be and remain a lien till paid.

SECTION 60. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and may be collected of the owners or occupants, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to a person taxed may be taken and sold for the payment of taxes upon personal or real property.

City clerk to transmit copy of roll to county clerk.

SECTION 61. Before the annual meeting of the board of supervisors of the county of Marathon, and by the time required by the laws of the state for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before said board at their annual meeting.

City to be regarded as a town.

SECTION 62. The board of supervisors shall have the right to regard the city of Wausau as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll as an entire roll, and shall not change the relative valuation of the different wards.

Shall proceed without regard to ward divisions.

SECTION 63. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided

by law, in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

SECTION 64. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of the previous year, and all special taxes levied by the common council.

City clerk to make out complete statement

SECTION 65. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regular, correct, and as required by law.

Tax list shall be *prima facie* evidence.

SECTION 66. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the marshal, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on or before the 25th day of December of the said year, or as soon thereafter as practicable, deliver the same to the city marshal for collection, and make a record of said delivery of the tax list aforesaid in his office.

Clerk shall make out duplicate list, and append tax warrant.

SECTION 67. The city marshal, upon receipt of said duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city marshal shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same.

City marshal to collect tax.

SECTION 68. On or before the fifteenth day of February of each year, the said marshal shall make out and return to the treasurer of Marathon county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said marshal

Shall make out list of delinquent real and personal property.

shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property tax for the same year. The county treasurer shall add the same interest, penalties or fees, to such delinquent returns as allowed or required by law, upon delinquent returns for the several towns.

County treasurer to sell delinquent lands.

SECTION 69. The county treasurer shall sell all delinquent lands and lots returned from the city of Wausau, at the same time and in the same manner as the other delinquent lands are sold in said county.

Exempt property subject to special taxes.

SECTION 70. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Errors of officers not to invalidate tax.

SECTION 71. All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directing, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Shall pay in delinquent taxes belonging to city to treasurer.

SECTION 72. It shall be the duty of the county treasurer of the county of Marathon, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent belonging to the city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

May guard against fires.

SECTION 73. The common council, with the chief engineer, for the purpose of guarding against the calamity of fire, shall have power to enact all suitable by-laws for the organization, maintenance and government of fire companies in said city, and may, in their by-laws, enact such regulations as the majority of said board may deem expedient for the safety of the property of the citizens of said city from accident or losses by fire.

All work to be let by contract.

SECTION 74. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, at the option of the council, and due notice shall be given of the time and place of letting such contracts.

SECTION 75. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

How actions to be brought to recover penalties, etc.

Peace officer may arrest without process

SECTION 76. Executions shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases *ex contractu*, shall require the defendants in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Marathon county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

The issue and service of executions.

SECTION 77. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Not to make incompetent.

SECTION 78. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

Failure of election not to dissolve corporation.

How serve process against city.

SECTION 79. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

May hold property.

SECTION 80. Said city may lease, purchase or hold real or personal property for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

How taxes in Maine to be levied.

SECTION 81. All taxes apportioned, levied and assessed in or against the town of Maine previous to the passage of this act, shall in all respects be collected in the same manner as though this act had not been passed, and to carry out this provision, the officers of the said town and of the county of Marathon shall have the same rights, powers and duties as though this act were not passed.

Town business and funds transferred.

SECTION 82. The town business of the present town of Maine, up to the time of the taking effect of this act, shall be settled by the city of Wausau, as constituted by this act, and the amount of funds remaining, or the indebtedness of the town, shall be apportioned between the town of Maine (according to the amount of taxable property in the part of said town now taken for the city of Wausau) and the city of Wausau.

Shall be represented in county board.

SECTION 83. The city of Wausau shall be represented in the board of supervisors of the county of Marathon by one supervisor from each ward.

No salary to mayor or aldermen.

SECTION 84. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of the city for his services, and they are hereby prohibited from being in any manner interested in any contract made by the authority of said city.

Regulations for the issuing of licenses.

SECTION 85. Every license issued by the authority of this act, or the ordinance of the city, shall be signed by the city clerk, and sealed by the corporation seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the ordinances of the city, and the sum fixed to be paid for any such license, shall

be paid to the city treasurer in money for the use of the city. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous or malt liquors on general or special election days.

SECTION 86. Every person having such license, who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act or the ordinances of the city, or may be indicted or informed against in the circuit court of Marathon county, and upon conviction thereof any such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Marathon county not more than thirty days, nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Penalty for selling liquors on election days.

SECTION 87. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city of Wausau, held or claimed by virtue of any deed purporting upon its face to be executed upon account of any sale for taxes or assessments levied after the passage of this act, until the person commencing such proceedings shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or land described in such deed, and paid by such holder or claimant, together with twenty-five per cent. interest thereon from the time of such payment to the commencement of such suit or proceeding, and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before the sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified and provided in section one hundred and nine, chapter fifteen, title five of the revised statutes.

How suits to recover property sold for taxes to be commenced and conducted.

Deed shall be read in evidence.

SECTION 88. The use of the jail of Marathon county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county,

Shall have use of county jail.

for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Private property not liable for city debt.

SECTION 89. No real or personal property of any inhabitant of said city, or any individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. The same provisions of statute that apply to towns in regard to paupers shall apply to said city.

Dissolution of connection between town and city, and transfer of duties.

SECTION 90. From and after the second day of April, A. D. 1873, the connection between the town of Maine and that part of said town included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed on supervisors and other town officers and village officers so far as they relate to the city of Wausau, shall be performed by the aldermen of the several wards and the other officers of said city. All that part of the town of Maine, not included within the city limits, shall constitute the town of Maine, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Public act.

SECTION 91. This act shall be considered a public one, and shall be construed favorably in all courts and places.

SECTION 92. This act shall take effect and be in force from and after its passage.

Approved March 18, 1873.

CHAPTER 233.

[Published March 24, 1873.]

AN ACT to fix the terms of court in Winnebago county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of the circuit court fixed.

SECTION 1. The general terms of the circuit court for Winnebago county shall hereafter be held as follows: On the Tuesday next after the second Monday of April, and on the Tuesday next after the fourth Monday of November in each year.

Repealed.

SECTION 2. All acts and parts of acts heretofore passed fixing the time for holding terms of court in Winnebago county at any other time than herein contained are hereby repealed.

SECTION 3. This act shall go into effect and be in force from and after its passage and publication.
Approved March 18, 1878.

CHAPTER 284.

[Published March 27, 1878.]

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *provided*, such annexation shall not affect or impair any rights or liabilities, either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgment and execution the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a charter election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village; *and provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village: *provided*, that the number voting in favor of such proposition shall be equal to a majority of all the votes cast at the last preceding general election.

May annex or exclude territory by a two-thirds vote of the council.

Ordinance to be submitted to vote of people.

Form of ballot.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved March 18, 1878.

CHAPTER 235.

[Published March 27, 1878.]

AN ACT to amend chapter four of chapter one hundred and thirty of the general laws of 1868, as amended by chapter one hundred and forty-four of the general laws of 1870, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
who shall con-
stitute state
board of assess-
ment.

Secretary of
state to prepare
statistics.

Board to make
out valuation
by counties.

SECTION 1. Section four of chapter one hundred and thirty of the general laws of 1868, as amended by chapter one hundred and forty-four of the general laws of 1870, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon," is hereby amended so as to read as follows: Section 4. The secretary of state, state treasurer, and attorney general shall constitute a state board of assessment; said board shall meet at the capitol, in the city of Madison, on the third Wednesday in May, in the year 1874, and biennially thereafter. The secretary of state shall prepare and lay before said board, the latest statistics of population, local valuation of property, and such other statistical information as he may be able to obtain in relation to the several counties in the state, as in his judgment will assist said board in their deliberations. The board shall carefully examine said statistics, and from all the sources of information accessible to them, they shall determine and assess the relative value of all property subject to taxation in each county of the state. They shall set down in a list of all the counties aforesaid, opposite to the name of each county, the valuation thereof, so determined by them, which shall be the full value according to their best judgment. The list so prepared shall be certified by the chairman and secretary of said board, as the state assessment made by said board, delivered with the journal of the proceedings of the board to the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.

CHAPTER 286.

[Published March 27, 1878.]

AN ACT to provide for the payment of witnesses who appeared and testified before the joint investigating committee appointed by virtue of joint resolution No. 3, senate, of the session of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the chairman of the joint investigating committee appointed by virtue of joint resolution No. 3, senate, of the session of 1878, to file in the office of the secretary of state a certificate showing the names and residence of each witness who appeared and was sworn before said committee, the number of days in attendance, and the number of miles each has travelled by the most usual route from his residence to the place where he so testified, also to pay other necessary expenses incurred, audited and certified to as above.

Chairman shall make out certificate of witnesses.

SECTION 2. Upon the filing of the certificate mentioned in the preceding section, it shall be the duty of the secretary of state to draw his warrant upon the treasurer in favor of each of said witnesses, for the sum that may be due him for mileage and per diem, as is now provided by law for witnesses in like cases.

Secretary of state to draw warrant upon certificate.

SECTION 3. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum of money sufficient to carry out the provisions of this act.

Appropriated.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1878.

CHAPTER 287.

[Published March 22, 1878.]

AN ACT to amend an act to incorporate the city of Mineral Point, approved March 16th, 1861, and also all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revised and
amended.

SECTION 1. The act to incorporate the city of Mineral Point, approved March 16th, 1861, and all acts amendatory thereof, are hereby revised and amended so as to read as follows, to-wit:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Shall constitute
a city.

Name and powers.

City boundaries

SECTION 1. All that district of country in the county of Iowa hereinafter described, from and after the passage and publication hereof, shall be and constitute a city by the name of Mineral Point, and the people now inhabiting, and those who shall inhabit said district shall be a municipal corporation by the name of Mineral Point, and shall have the general powers possessed by municipal corporations by the name of the city of Mineral Point, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The territory included within the following described limits and boundaries shall constitute the city of Mineral Point, to-wit: All of section number thirty-one (31), and the west half of section number thirty-two (32), in township number five (5) north, three (3) east, also the north half of section number six (6), in township number four (4) north, of range number three (3) east, also the northeast quarter of section number one (1), in township number four (4) north, of range two (2) east, and the east half of section number thirty-six (36), in township number five (5) north, of range two (2) east of the fourth principal meridian.

SECTION 3. The said city shall be divided into two wards, as follows: All that part lying on the west side of Chesnut street, extending north in a direct line, and lying west of the west line of Bracken and Irvin's addition, shall constitute the first ward, and all that part lying on the east side of said street and line shall constitute the second ward.

Division into wards.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

The corporate authority.

CHAPTER II

ELECTIONS.

SECTION 1. From and after the first Tuesday in April next, the elective officers of the city of Mineral Point shall be a municipal judge, a school superintendent, a treasurer, and an assessor, for the city at large, and three aldermen, one supervisor, one justice of the peace, and one constable in each ward, who shall hold their respective offices as follows: the municipal judge, school superintendent, treasurer, supervisor, assessor, and constable, for one year; justices of the peace, for two years; and one alderman in each ward shall be annually elected, who shall hold his office for three years; and respectively hold their offices until their successors are elected and qualified, except in cases differently provided for in the eighth section of this chapter. The term of office of all officers shall commence on the second Tuesday of April of the year in which they are elected. Said officers shall have such power and perform such duties as are prescribed by law or as may be prescribed by any ordinance, rule, order, resolution or by-law of said city now or hereafter in force: *provided*, that the present officers of said city shall serve out the respective terms for which they have been elected, and that only one alderman for each ward shall be elected each year as heretofore.

Elective officers of the city.

The term of office.

Shall serve out their terms.

SECTION 2. On the first Tuesday of April next, the qualified voters of said city shall elect a municipal judge, a school superintendent, a treasurer and an assessor, which said officers shall be persons entitled to vote and resident in said city, and on the same day, and at the same places of holding said election, the said qualified

The election of city and ward officers.

voters shall also elect one alderman, one supervisor, one justice of the peace and one constable for each ward; the officers last aforesaid shall be persons entitled to vote, and resident of the respective wards for which they are elected. The common council of the city of Mineral Point shall designate the place of holding said election, and of all general, annual or special elections in each ward, and the said elections shall be conducted as is now or hereafter may be provided by law for the conduct of general, annual or special elections, except so far as such laws may be altered or modified hereby; and at every subsequent first Tuesday in April, elections shall be held in the several wards for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect *viva voce*, a sufficient number of inspectors to make three, with the alderman or aldermen present, who shall be sworn in accordance with the laws of the state. The said inspectors shall then appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall, with the clerks, count the ballots at the close of the poll, and shall certify and seal two returns, and the day following the election, shall direct one of the returns to the clerk of the city and the other to the county clerk of the county of Iowa. The municipal judge and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after said election, meet at the common council room, and canvass said returns; and after the aforesaid returns have been canvassed by said board, the city clerk shall, by a notice signed by him, notify the persons elected of their election to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon: *provided, however*, that the board may adjourn the polls at twelve o'clock, noon, for one hour.

Council to designate place of holding elections.

Who to be inspectors.

Clerks to be sworn—their duties.

Who shall constitute board of canvassers.

When polls to be open.

Special elections to fill vacancies.

SECTION 3. In the event of a vacancy in the office of municipal judge, justice of the peace, alderman or supervisor, by death, removal from the city or ward, or other disability, or by resignations, the common council shall order a special election to fill such vacancy, and shall give five days' notice thereof, by posting up said notice in two or more public places in each ward of said city. Any vacancy in the other

offices shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Filled by appointment.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections or appointments by the common council may be *viva voce* or by ballot, as the council may choose, except when the manner is prescribed hereby. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

How vote to be taken and determined.

SECTION 5. All persons entitled to vote for state and county officers, and who shall be actual residents of the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office created by this act.

Qualifications of voters.

SECTION 6. If either of the inspectors of election or aldermen suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote shall be challenged by an elector, the inspector or aldermen, before receiving any such vote, shall require the voter offering to vote to take the following oath: "You do solemnly swear, or affirm, (as the case may be), that you are twenty-one years of age, that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization; that you are now an actual resident of this ward, that you have not voted at this election, and that you have not made any bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election." And if the person offering to vote shall take such oath, his vote shall be received. And if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars nor less

The challenge of votes.

The form of oath.

Penalty for taking false oath.

For illegal voting.

Shall keep list
of challenged
voters.

Penalty for
malfeasance of
inspectors and
clerks.

How special
elections to be
held.

Removal from
city or ward to
vacate office.

Failure of elec-
tions not to sus-
pend corpora-
tion.

than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their votes. And if any inspector or aldermen shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect accounts and tallies of votes, each and every inspector or clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Iowa.

SECTION 7. Special elections to fill vacancies or for any other purpose shall be held and conducted by the aldermen of each ward, or inspectors, as provided by this act, and returns thereof shall be made in the same time, form and manner as of general or annual elections.

SECTION 8. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the first Monday of June next after his election, or who shall have resigned, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers elected or appointed to fill any vacancy, shall qualify and then enter upon the duties of such office immediately after receiving notice of such election or appointment.

SECTION 9. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election may be held on any subsequent day by order of the mayor, and if any of the duties enjoined by this act or the ordinances, rules, orders, resolutions or by-laws of the city to be done by any officer at any time specified, are not done and performed, the common council may, if they deem it of benefit to the residents of said city to do so, appoint another time at which said acts may be done or performed.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office, or elected or appointed to fill any vacancy under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk, unless otherwise herein prescribed, and the city treasurer, constables, justices of the peace and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Mineral Point a bond, in such sum and with such security and conditions as the common council may direct; and the common council may, from time to time, when it deems the interests of the city or its people will be promoted or secured thereby, require new or additional bonds, and with the same discretion, and in the same interests, remove from office any officer refusing or neglecting to give the same.

All city officers
to take oath.

Certain officers
to execute bond

SECTION 2. There is hereby created and established a "municipal court" in said city, to be known and called by that name. The municipal judge shall be the judge of said court, and have and possess all the powers of a justice of the peace of the county; the said court shall have jurisdiction throughout the county of all civil actions of which a justice of the peace by law has, or may have jurisdiction, and exclusive jurisdiction of all criminal causes and matters of which a justice of the peace has jurisdiction, when the cause shall originate within the limits of the city, and also exclusive jurisdiction of all causes growing out of the violation of the charter or of any ordinance, rule, order, resolution or by-law of said city, and of all such cases wherein the city is a party as are within the jurisdiction of a justice of the peace: *provided*, that any justice of the peace in said city shall have jurisdiction of all the causes aforesaid, in case of absence, sickness or any other inability of said municipal judge, or in case he declines to act in any such cause, or in case of a vacancy in such office, until the same is filled; the statement in writing by the municipal judge, over his official signature, on the complaint, that he declines to act in said cause, shall give any justice of the peace in said city jurisdiction of such cause. In all suits or prosecutions, where the cause thereof originates within the limits of the city, and the bringing and prosecution thereof

The municipal
court and judge
thereof—his
powers and ju-
risdiction.

When justice of
the peace may
act as municipal
judge.

The city enti-
tled to all fines,
etc.

Compensation
of the municipal
judge.

Appeals may
be taken to the
circuit court.

Shall make
quarterly re-
port of the pro-
ceedings.

The judge shall
be *ex officio*
mayor—his
general powers
and duties.

The president
of the council—
his general
powers and du-
ties.

is provided for by the charter or ordinances, rules, orders, resolutions or by-laws of said city, the city shall be entitled to and receive all moneys, fines and penalties imposed therein. The said municipal judge shall be entitled to receive for his services, the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to said municipal judge for his said fees, except such as shall accrue in prosecutions for the violation of the city charter or ordinances, rules, orders, resolutions or by-laws of the city. Appeals may be taken from the judgment of said municipal court in the same manner, for the same cause, and in the same causes in which appeals may be taken from the judgment of justices of the peace to the circuit court; and shall, in the appellate court, be tried in the same manner and be subject to the same rules and practices. The municipal judge and the justices of the peace shall, quarterly, report to the common council a list of all proceedings instituted before them in behalf of the city, and the disposition thereof, and shall, at the same time, pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city.

SECTION 3. The municipal judge shall be *ex officio* mayor, and when presiding over the common council, or officially acting in behalf of the city, shall sign his name, when necessary as mayor, and shall be styled mayor of said city, and shall, when present, preside over the meetings of the common council, and shall take care that the laws of the state and the laws and ordinances, rules, orders, resolutions and by-laws of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint the police force, in such numbers as the common council shall direct, and in case of a riot, or disturbance of the peace, or in case there is danger of either occurring, may, in his discretion, appoint temporary police. He shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require, in regard to city affairs which may be within his knowledge or control.

SECTION 4. At the first annual meeting of the common council, after the annual election, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside

over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and the president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, and who for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them shall have the same force and validity as if performed by the mayor.

How styled.

SECTION 5. At the first meeting of the common council after the annual election, or as soon thereafter as may be, they shall proceed to elect a city clerk by ballot, who shall be a person entitled to vote, and resident in said city, and who shall, before he enters upon the duties of his office, take and subscribe the usual oath of office, which oath and bond of said clerk, if any be given, shall be filed with and remain in the custody of the mayor and his successors in office; the common council may, in its discretion, when for the benefit of the residents of the city, at any time require the said clerk to execute a bond to the city of Mineral Point, in such sum, with such security (to be approved by the common council), and such conditions as the said council may direct; when so qualified, the said clerk shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council; the records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the record, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall keep a full and accurate account of all orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and shall charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury, and shall discharge and perform such other acts and duties as may at any time be imposed upon him by the common council, or by any law of this state; when the clerk so elected shall neglect or refuse to qualify or accept said office, or shall be absent from any meeting, the common council may, if it so choose, appoint a clerk

The election of city clerk—shall take oath and execute bond.

His general powers and duties.

Clerk pro tem.

May elect to fill unexpired term.

pro tempore, who shall, for the time being, discharge and perform all the duties of the city clerk, but said clerk *pro tempore* shall not be required to take the oath of office or give any bond. The common council may also, in its discretion, from time to time, elect by ballot a person possessing the qualifications and who shall qualify as above provided, city clerk, to serve for the unexpired term of such person as may neglect or refuse to qualify or accept said office. The city clerk shall have power and authority to administer oaths and affirmations, and shall in all things do and perform all acts and duties which town clerks are or may be authorized or required to do and perform by the laws of this state, and be subject to the same penalties, except so far as it may be otherwise provided by this charter, or the ordinances, rules, orders, resolutions or by-laws of the city.

Clerk shall make annual statement of moneys received and orders drawn.

SECTION 6. On or before the last Monday of April in each year, the city clerk shall make out a statement showing the amount of money received into the treasury during the year ending upon that day, from what source such moneys were derived, and also the amount of orders drawn on the treasurer, and for what purpose the same were issued; and also showing the total amount of the indebtedness of the city, which statement shall be published as soon thereafter as may be, in the newspaper in which the ordinances and by-laws of said city are published.

The general duties of the city treasurer.

SECTION 7. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk, and shall in all things do and perform all acts and duties which town treasurers are or may be authorized or required to do and perform by the laws of this state, and be subject to the same penalties, except so far as it may be otherwise provided by this charter, or the ordinances, rules, orders, resolutions or by-laws of the city.

Duties, powers and jurisdiction of justices and constables.

SECTION 8. The justices of the peace and constables elected in said city shall have and possess the same jurisdiction and powers as justices of the peace or constables in the county, together with the additional jurisdiction and powers conferred by this charter, or by any

amendment thereof, and in all things or actions in which the city is a party, shall be governed and guided by the charter, the ordinances, rules, orders, resolutions and by-laws which are or may be passed or adopted by the common council and by the laws of the state.

SECTION 9. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the mayor shall have the oversight and care of all poor persons in the city, and it shall be his duty to see that they are properly relieved and taken care of according to law, and the rules and instructions of the county superintendent of the poor.

Support of the poor.

SECTION 10. The city of Mineral Point shall be represented in the board of supervisors of the county of Iowa by the supervisors elected as above provided, who shall perform and fulfill such duties in regard thereto as are now or may hereafter be prescribed by law.

Representation in the county board.

SECTION 11. All officers of said city shall, when the charter or ordinances, rules or resolutions or by-laws passed in pursuance thereof provide for, or define their duties, be first governed and be guided thereby, after which, in respect to all duties not so provided for, they shall be guided and governed by the laws of the state applicable to similar or corresponding offices in the towns of said county of Iowa.

How duties of city officers defined and how they are to be governed.

SECTION 12. The common council shall have power from time to time to require other and further duties performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers, elected or appointed by them; and such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Council may require other and further duties and fix compensation.

SECTION 13. At the first meeting of the common council after the annual election or as soon thereafter as may be, the common council shall provide that all printing authorized and required by them to be done for their use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Mineral Point, unless the bids of such publishers shall be higher than the rates of legal advertising, as fixed by law, or unless such publishers shall fail to bid. In such cases as last mentioned, the common council shall contract with the publisher of some other news-

Shall let the public printing to the lowest bidder.

Ordinances,
etc., to be pub-
lished in the
official paper.

paper in the county if they can, to do the city printing for said year, and such newspaper as may do the city printing by authority of the common council, shall be the official city paper. All ordinances and other proceedings required by this act, or by the by-laws or ordinances, rules, orders or resolutions of the common council, to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavit of the length of time said ordinance, notice, rule, order, resolution or by-law has been published; such affidavit shall be conclusive evidence of the publication of such ordinance, notice, rule, order, resolution or by-law, according to law.

Delivery of
books, papers,
etc., to succes-
sor in office.

SECTION 14. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession, belonging to said city, pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Peace officers
and their du-
ties.

SECTION 15. The mayor, sheriff of Iowa county, each and every alderman, justice of the peace, constable and policeman shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior in the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private shall refuse [to aid] in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Appointment of
street commis-
sioner—his
bond.

SECTION 16. It shall be the duty of the common council, at its first meeting after the annual election, or as soon thereafter as may be, to elect by ballot a street commissioner, who shall give a bond to the city of Mineral Point, to be approved by the common council, conditioned for the faithful discharge of his duty, and that he will promptly pay over and account for all sums of money that may come into his hands as such officer, in such amount as the common council shall di-

rect, and who shall have power, and whose duty it shall be to [require every] resident of the city, liable to work on the highways by the laws of this state, to perform one day's labor each year on the streets in the ward in which he resides, or shall in lieu thereof pay the sum of one dollar; and in case any person shall neglect or refuse to perform such labor, at such time and place as such commissioner shall direct, such person shall not thereafter be permitted to work the same, but shall pay said one dollar; if any such person, after being called upon by said commissioner to pay the same, shall neglect or refuse to do so for the space of five days, said person or persons, on the complaint of said commissioner, shall, upon conviction thereof, be punished therefor as is provided by the ordinance of said city, entitled "an ordinance to enforce the collection of road taxes," passed June 2, 1858; all moneys so collected shall be expended in improving or repairing the streets of said city by such commissioner, and the said commissioner may at any time be removed from office by the common council of said city, and another commissioner appointed in his stead: *provided*, that no member of the common council shall be permitted to hold the office or perform any of the duties of the street commissioner, except under the direction of the common council; to advise and consult with said commissioner as to repairing and improving the streets and public grounds of said city. The compensation of the street commissioner shall be fixed by the common council at the time of his election, and the same shall be paid out of the street taxes.

His powers and duties.

No member of the council to be street commissioner.

CHAPTER IV.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Mineral Point do ordain as follows:" the common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

The common council—the style of ordinances.

SECTION 2. The common council shall hold regular meetings, at such times as they may fix, and the mayor may call special meetings by verbal notice to each of the members, or by written notice; said notice may be given or served by any constable of the city,

Their regular and special meetings.

under direction of the mayor, personally, or by leaving the same at their usual place of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Their general
and specific
powers.

SECTION 8. The common council shall have the control and management of the finances, and of all the property of the city, and shall likewise, in addition the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, orders, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule, order, resolution or by-law, by commitment to the common jail of said city or of Iowa county, or otherwise; and such ordinances, rules, orders, resolutions and by-laws are hereby declared to be and have the force of law, and for these and the following purposes, the common council shall have authority, by ordinances, rules, orders, resolutions or by-laws:

License shows.

1st. To license and regulate peddling, the exhibition of common showmen or shows of any kind, or the exhibition of concerts, caravans, circuses or theatrical performances, billiard tables and bowling saloons; to provide for the abatement and removal of all nuisances, under the ordinances or at common law, and to grant licenses to keep groceries, saloons, shops or places of any name whatever, within the limits of said city, for the sale of strong, spirituous, ardent, intoxicating, vinous or fermented liquors, to be drank on the premises in quantities less than one gallon, or to grant licenses to keep similar places for the sale of such liquors, not to be drank within their houses or on their premises; to regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, ardent, intoxicating, vinous or fermented liquors, and to revoke the same for a violation thereof; and the common council shall, at its first meeting after the annual election, or as soon thereafter as may be, fix the sums to be paid for such licenses, which sums shall not be less than the amount fixed and provided therefor by the laws of this state, and the minimum sum fixed by the state laws to be paid for such licenses shall be paid, as collected

Abate nuisances and
grant licenses
for the sale of
liquors, etc.

Shall fix
amount of
licenses.

by the city treasurer, to the treasurer of Iowa county. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, and shall expire at the time now or hereafter fixed for the expiration of licenses by the laws of this state; all such licenses issued during the year shall be charged for *pro rata* for the unexpired time, and shall contain a proviso that no person thus licensed shall sell or give away any strong, spirituous, ardent, intoxicating, vinous or fermented liquors on Sunday, or on general, annual or special election days, and that the same shall be revokable at the pleasure of the common council; *and provided further*, that no such license shall be issued until the sum fixed therefor shall be paid, and the bond given as required by the laws of this state, and said bond shall be approved by either the mayor or common council.

How license to be executed.

Sale prohibited on Sundays and election days.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, ardent, intoxicating, vinous or fermented liquors, unless duly licensed by the common council.

Restrain gaming and sale of liquors without license.

8d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

Prevent riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Compel the cleansing of nauseous places.

5th. To direct the location and management of slaughter or packing houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth therefrom shall discharge into streams of water, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

Direct location of slaughter houses, etc.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Prevent incumbering of streets.

Horse racing,
etc.

7th. To prevent horse-racing, immoderate or dangerous riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain running at large of
cattle, dogs, etc.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same; and also to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, rules, orders, regulations or by-laws.

Prevent deposit
of putrid carcasses,
etc.

9th. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides or skins of any kind; or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Establish
pounds, etc.,
and license
draymen.

10th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of
health and cemetery
grounds.

11th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Weight of
bread.

12th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Prevent driving
on sidewalks.

13th. To prevent all persons riding or driving any horse, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

The shooting of
firearms.

14th. To prevent shooting off fire arms or crackers, and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Runners and solicitors.

17th. To make rules and ordinances for the government and regulation of the police of the city.

Regulate the police.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable persons for overseeing and regulating such markets, and to punish or restrain all persons interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

Establish and regulate public markets.

19th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

The hay market, etc.

20th. To compel the owners of buildings or grounds or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Removing of obstructions from sidewalks.

21st. To regulate, prevent and control the landing of persons from cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

To prevent spread of contagious diseases.

22d. To regulate the time, place and manner of holding public auctions or vendues.

Regulate auctions.

23d. To appoint policemen and prescribe their duties.

Appoint policemen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of persons using false weights and measures.

Provide standard weights and measures.

25th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds, and to pay the expenses of the same.

For setting out shade trees.

SECTION 4. All ordinances, rules, orders, resolutions or by-laws shall be passed by an affirmative vote of a majority of the common council, and said rules,

How ordinances to be passed.

To be signed,
published and
recorded.

orders, resolutions and by-laws shall be published with the other proceedings of the common council. All ordinances shall be signed by the mayor, and be published in the official city newspaper, and the said ordinances, together with the affidavit of publication, shall, within thirty days from the time of its passage, be recorded by the city clerk in a book provided for that purpose; said record shall be signed by the mayor and clerk, and shall at all times be taken as conclusive evidence of the passage of such ordinance, and of the time and manner of such publication; all ordinances and parts thereof passed by the common council since the organization of the city in 1857, to the date hereof, which have not been repealed or superseded, as the same appear either in the record of the proceedings of the common council, or as the same or any of them appear in what purports to be a record of ordinances and the proofs of publication thereof, made by pasting said proofs of publication in said book or record, or as the same appear as published by the common council with the charter of said city in 1861, or as part of them appear in the record book of ordinances, now and recently made and kept by the city clerk, be and the same are hereby all declared to be of full force and virtue in the law, the same as they would have been had every direction and requirement of the city charter been literally and strictly complied with.

How proof of
publication to
be recorded.

Abatement of
nuisances at
common law.

SECTION 5. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, ardent, intoxicating, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Penalty for sell-
ing liquors on
Sundays and
election days.

SECTION 6. Every person having such license, who shall vend, sell or give away any spirituous, ardent or intoxicating liquors on any Sunday, or on any general, annual or special election day, shall be liable to prosecution under this act or the ordinances of the city, or may be indicted in the circuit court of Iowa county, under the laws of the state, and upon conviction thereof, any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or by imprisoned in the jail of Iowa county or in the jail of said city not more than thirty days, at the

discretion of the court, and the license held by such person shall be forfeited and void.

SECTION 7. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, school board and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law to be commenced against any officer or agent of said city and his bondsmen, who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and the city clerk shall make a full record of all such settlements and adjustments.

Council to audit accounts of city officers.

Claimant to exhibit books and vouchers—may be prosecuted for delinquency.

CHAPTER V.

OPENING OF STREETS.

SECTION 1. The common council shall, within the city limits, have full power and authority to lay out, alter or discontinue any highway, street, alley or public walk therein, and to grade, pave or otherwise improve the same, as it shall deem necessary or advisable: *provided*, that no street, lane or alley shall be laid out by said council, except as hereinafter provided, unless the owner or owners of lots through which the proposed alley, lane or street is proposed to be laid out, consent thereto in writing.

Council may lay out streets.

SECTION 2. No highway, street, lane or alley or public walk, shall be laid out or altered, unless a petition, signed by at least six resident freeholders of the city shall be presented to said council asking therefor, and accompanied by a proper plan or diagram and survey, showing the premises proposed to be taken, together with the names of the owners thereof, and each of their places of residence, so far as that can be ascertained by reasonable diligence, and if the same requires

Shall not act except on petition of six freeholders.

the taking of private property for public use against the consent of the owners, not until the necessity thereof shall be first established by the decision of a jury of twelve persons, who shall be reputable voters and freeholders of said city, and shall also possess such other qualifications as are or may be required for jurors in the circuit courts of this state.

Shall require deposit of money to pay costs and expenses.

SECTION 3. When any such petition shall be presented, the common council shall make an order, requiring the applicants to deposit with the city treasurer such sum, not less than fifty dollars, as it may deem necessary to pay the costs and expenses of said proceedings, and when such deposit is exhausted, the council shall order from time to time, to deposit such further sum as it may deem necessary to pay accruing costs and expenses. All action in regard to said petition until such order is fully complied with, shall be suspended until such order is fully complied with. The sum advanced shall be refunded to the petitioner upon the advancing the same whenever the same is advanced, the city, as hereinafter provided.

Shall cause notice of application to be published.

SECTION 4. The said order being first complied with, and it appearing to the satisfaction of the common council that private property is required to be taken against the consent of the owners, the common council shall cause a notice of such application to be given to the owner or owners of lots, through the proposed street, highway, alley or other way out, by serving a notice thereof upon the persons occupying such lots or lands, or upon any portion of said lots or lands, or upon the actual occupance of any person, the council shall cause such notice, describing the premises to be taken, to be published in an official paper of the city for four at least once a week; such notice shall state a day therein to be named, not less than five days, the service of such notice or the publication, as the case may be, applied to the municipal judge of said city, for the appointment of the twelve jurors hereinbefore provided for, to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition; upon the day and at the time named in the said notice, and upon proof of the publication of service of the said notice as hereinbefore required, the said municipal judge shall issue his precept, directed to any constable of said city, commanding him to summon twelve persons having the qualifications required

What notice shall state.

Municipal judge shall issue precept for summoning of jurors to examine premises

for such jury precept, forthwith to serve as immediately named, by return of the jury with his decision of the matter of said petition by attorney, and said jury jurors are to

shall, in the said petition, be examined until a jury of twelve persons is appointed by said municipal judge until completed. upon issue his precept and selected, require the premises to be taken, returns upon the premises in their judgment whether the premises for the public use of said jurors, before their duties shall be performed.

of the lots or other way out, by serving a notice thereof upon the persons occupying such lots or lands, or upon any portion of said lots or lands, or upon the actual occupance of any person, the council shall cause such notice, describing the premises to be taken, to be published in an official paper of the city for four at least once a week; such notice shall state a day therein to be named, not less than five days, the service of such notice or the publication, as the case may be, applied to the municipal judge of said city, for the appointment of the twelve jurors hereinbefore provided for, to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition; upon the day and at the time named in the said notice, and upon proof of the publication of service of the said notice as hereinbefore required, the said municipal judge shall issue his precept, directed to any constable of said city, commanding him to summon twelve persons having the qualifications required

for such jurors, said persons to be named in said precept, forthwith to appear before said municipal judge, to serve as such jurors. The said precept shall be immediately served by a constable, on the persons therein named, by reading the same to every one of them that can be found; and the said constable shall then make return of the service to said municipal judge, together with his doings therein; all the parties interested in the matter of said petition may appear for themselves or by attorney, shall be heard before said municipal judge, and said jury in all respects be tried and selected as jurors are tried and selected to try civil actions in the circuit courts of this state. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, or be challenged, others shall, in the same manner by virtue of endorsements to that effect on said precept, be summoned, tried and examined until a qualified and satisfactory jury of twelve persons is obtained. Said proceedings may be by said municipal judge adjourned from time to time until completed. The said municipal judge shall thereupon issue his precept, directed to said jurors so tried and selected, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in said petition, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as jurors in the premises, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath may be administered by any person authorized to administer oaths, and which shall be filed in the office of the city clerk. The said jurors shall cause another notice to be given in the manner above provided (except that it need only be for one week) to the occupants and owners of the lots or lands described in the petition, of the time they may fix to view said premises, and decide in regard thereto. At said time so fixed and notified, said jury shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be of-

Parties may appear and be heard.

Vacancies may be filled.

Shall issue precept to jurors.

Jurors shall take oath.

Shall give notice of time they will view premises.

Shall proceed in a body to view premises.

Shall make report.

ferred, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept, shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report.

Council shall appoint commissioners to appraise costs for proposed improvement.

SECTION 5. If upon such hearing the said jury shall decide that there is a necessity to take private property for public use, for the purposes prayed for in such petition, the common council shall thereupon, by an order, appoint three disinterested freeholders of the city, commissioners to view and examine the proposed highway, street, alley, lane or walk, or alteration thereof, and ascertain and appraise the just value of the property of the individuals necessary to be taken therefor. They shall also ascertain and appraise the necessary cost, expenses and damages for laying out, opening or altering the same, and make report thereof under oath, to the common council, within such time as may be limited by such order. If any of said commissioners refuse or neglect to act as such, or if said commissioners do not agree as to the amount of damages or benefits done to any person, then the said council shall appoint other commissioners in their places.

Commissioners shall report what property will be benefited, and to apportion costs, etc.

SECTION 6. The commissioners shall also view, ascertain, assess, determine and report to the common council what property, lots and parcels of land are or will be benefited by the laying out, opening or altering of any such highway, street, lane, alley or public walk, and assess, designate and apportion and determine the costs, expenses and damages of laying out, taking, opening or altering the same on the property, lots and parcels of land so benefited, in just proportion, so that the benefits shall as near as may be equal the damages costs and expenses, making out a list thereof, as they shall assess and apportion the same.

Shall strike balance between benefits and damages.

SECTION 7. The commissioners in all cases where property, lots or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make a list thereof, and shall strike the balance between the damages and benefits so assessed, and make out a list of the same and report the same to the common council.

How apportioned to different owners.

SECTION 8. If the lands or buildings belong to different persons, or if the land be subject to lease,

judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the proposed improvement.

SECTION 9. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts, or agreements between landlord and tenant or any other contracting party, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

How, when lots are under lease or contract.

SECTION 10. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under any legal disability, the judge of the circuit court of Iowa county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

In case owners are infants or non-residents, how notice given.

SECTION 11. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them, and shall give notice in one or more newspapers of the city, of at least one week, of the time and place in which they will meet to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned, they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have the power to administer an oath to any witness offered.

Commissioners shall take oath.

Shall give notice of meeting to hear grievances.

SECTION 12. Any person whose property is taken, or against whom any assessment is made may, within ten days from the return of such commissioners to the council, appeal from said assessment of damages or benefits, to the circuit court of Iowa county: *provided*, such person or some one in his behalf, make affidavit that he believes himself injured by the award of said commissioners, and that the appeal is made in good faith, and not for the purpose of delay. The appellant shall give security for costs, and the appeal shall be tried by

Owners may appeal from assessment of damages.

the court and jury, as in ordinary cases, shall have the same right of appeal.

Council may confirm proceedings.

SECTION 13. If no appeal is taken, or the report of the commissioners affirmed, the council may order the proceedings of sioners, as reported or as modified by t affirmed.

Not to proceed with improvement till damages are paid.

SECTION 14. No such highway, street walk or alteration thereof shall be laid out, made, until the owners of property which taken against their consent, shall be paid the or balance so assessed or awarded in their favor same shall have been deposited subject to their with the city treasurer.

Assessments to be a lien upon lots.

SECTION 15. All sums so assessed and confirmed shall be a lien upon the property so assessed and apportioned, and for the payment of which, such property, lots or parcels of land shall be liable and the same, if not paid at the time of annual levy of city taxes, after said said time, be levied by the council upon such lots or parcels of land be put in the tax roll, and be collected with other taxes are collected in said city. When the money therefor shall be actually received by the city treasurer, he shall pay the same over to the person entitled thereto by the apportionment of the commissioners, or to the person or persons who may have advanced the same.

Damages to be paid over to owners.

May lay out street, etc., on petition and publication of notice.

SECTION 16. In all other cases, the council may lay out, alter or discontinue any highway, street, lane, alley or walk, whenever they deem the same proper and advisable, by an order entered in their proceedings, specifying and describing the same: provided, the same is applied for by petition, as mentioned in second section of this act, and two weeks' notice same shall have previously been published in a paper in said city.

How estimate the value of buildings.

SECTION 17. If there should be any building in whole or in part, upon the lands to be taken by the commissioners, before proceeding to make the taking, shall first estimate and determine the value of such building to such owner or owners, as the value of the lands, and the injury to such owner or owners, in having such building taken from them, and, secondly, the value of such building to be removed.

Shall give notice of determination.

SECTION 18. At least ten days' notice of such termination shall be given to such owner or his agent.

if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident of the city, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award or determination of the commissioners; said notice shall also require the parties interested to appear by a day to be therein named, or give notice of their acceptance of the award of the commissioners and allow such building with the land appropriated, to be taken, or their intention to remove such building at the rate set thereon by the commissioners. If the owner elects to remove such building, he shall have such time for that purpose as the council shall allow.

SECTION 19. If the owner refuses to remove the building, or to take the same at the valuation, or fails to give notice of his election as aforesaid, within the time prescribed, the council shall have power to direct the sale of such building at public auction, giving ten days' notice of the sale. The proceeds shall be paid to the owner, or deposited to his use, after deducting the costs of removal and sale.

Council may direct sale of the buildings.

SECTION 20. The damages assessed as aforesaid, together with the costs and expenses of opening, altering or laying out such highway, alley, street, lane or walk, shall be paid by the owners or holders of the property benefited thereby, or may be temporarily advanced by any person or persons interested in said improvements, and when so paid or deposited as aforesaid, by the owners, or by advancement as aforesaid, and having been confirmed by the council, the said land or private property may be taken and appropriated for the purposes required, and a map, plan or survey of such highway, street, lane, alley, walk or alteration thereof shall be recorded in the book where the ordinances of the city are recorded, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Damages, costs and expenses to be paid by owners of property.

CHAPTER VI

IMPROVEMENT OF STREETS.

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street on which the grade is proposed to be changed, accompanied with a map showing the lots in said street and the names of

Council may change grade, on application of owners.

the owners thereof, the common council shall have power to cause a survey to be made, and to alter such grade or establish a new one, in such street or part of street set out in such application, as the public good may seem to require.

Person not signing application, shall have right of action for damages.

SECTION 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same: *provided*, that no suit shall be brought against the city for the recovery of such damage until a claim therefor has been made to the common council and said council shall have refused or neglected for three months to settle the same. The signing of such application for change of grade shall be taken and construed as a release of all claims for damages of every such signer.

Street commissioners, to supervise streets.

SECTION 3. It shall be the duty of the street commissioners to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers and water courses are duly observed and kept, and direct and control the persons employed therein. The street commissioner shall have a general supervision over all work let by contract for the improvement of streets or sidewalks, unless the common council shall otherwise provide.

How sidewalks shall be constructed.

SECTION 4. Sidewalks shall be constructed upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may direct the street commissioner to cause the same to be constructed at the expense of such owner or owners.

How contracts shall be let.

The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days, of the time, place and manner of receiving and opening said bids: *provided*, that no such contract shall be let until sixty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city: *provided, also*, that said ordinance, resolution or order may also, in the discretion of the common council, require said owner

Not to be let till public notice is given.

or owners to do such filling and cutting opposite their said lots as may be necessary to bring them to grade, and enable them to construct said sidewalk.

SECTION 5. The street commissioner shall, with his annual report of delinquent street taxes, report to the city clerk, a description of any lot or lots in front of which he shall have so caused any sidewalk to be constructed, together with the cost thereof, giving the items, and the common council shall at the time they next thereafter levy the annual city taxes, levy the said cost thereof, as a tax upon such lot or lots, and the city clerk shall put the same in the tax roll, and it shall be collected with and in the same manner as other city taxes.

Shall make annual report of delinquent street taxes.

SECTION 6. All moneys expended by the common council, in the improvement of streets (sidewalks excepted) shall be expended upon the streets in the several wards in proportion to the relative value of the taxable property, and poll tax assessed and collected in the several wards, unless the common council shall otherwise unanimously direct.

Street improvements to be proportionate to value of property.

SECTION 7. The common council of said city shall have power to levy an annual tax, not exceeding five mills on the dollar, of the assessed value of property in said city, for the improvement of streets; and may by resolution determine the time and manner of collecting and paying the same; the delinquent returns of unpaid street taxes shall be made by the city treasurer or by the person collecting the same, and the same shall be put in the annual tax roll by the city clerk, and be collected in all respects as is provided by law for the return and collection of delinquent road taxes, in the towns of Iowa county.

Council may levy annual tax for street improvements.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority, or by order,

All city funds to be under control of council.

or resolution of the common council except taxes levied for school purposes; but the common council shall not issue in any one year a greater amount of city orders (for purposes other than building school houses or on account of railroad bond claims) than the amount of the tax authorized to be levied for the general expenses of the city for such year; and no interest shall ever be paid by said city, on any city order, except on orders issued for the purpose of building school houses, or on account of the railroad bond claims.

How city debt to be authorized.

SECTION 2. No debt shall be contracted against the city, or order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered upon the record of the proceedings of the common council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

Fines and license moneys payable into general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act or of any of the ordinances, by-laws, orders, resolutions and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the common council.

How penalty remitted.

All property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities that are or may hereafter be conferred or imposed upon township assessors: *provided, however*, that the common council may prescribe the form of assessment and tax rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls, as they may from time to time deem advisable.

Powers, duties and liability of the assessor.

City clerk to make assessment upon certificate of county clerk.

SECTION 5. Upon receiving the certificate of the county clerk, of the amount of taxes levied upon the city by the county board of supervisors, as prescribed by law, the city clerk shall calculate and carry out such taxes in the tax roll, as is or may be provided by law and this charter, without any order from, or levy of the

same, and the city clerk shall then enter in the proceedings of the common council with the record of said levy, the substance of said certificate so received from the county clerk by the common council; and within ten days after the receipt by the city clerk of said statement of the amount of taxes levied by the county board of supervisors, as provided by law, the common council shall determine the amount of taxes to be levied for general and special city purposes, and also the amount of money necessary or required to be levied for school purposes, and shall by resolution, levy the same, but no such resolution shall be adopted except by a two-thirds vote of the common council, which shall appear in the proceedings of the common council: *provided*, that the amount of tax levied for the general expenses of the city, shall not exceed the sum of twelve hundred dollars in any one year.

Council determine amount of general and special city taxes, by two-thirds' vote.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person, or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid; and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property; but shall not be taken or sold for taxes on real estate. The real estate shall be returned delinquent, and be sold for any unpaid taxes, as is provided by law.

All taxes to be and remain a lien upon property, till paid.

Personal property may be sold only for personal tax.

SECTION 7. The board of supervisors of the county of Iowa shall have the right to regard the city of Mineral Point as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of different wards.

County board may regard city as a town, in equalizing taxes.

SECTION 8. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law, in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town except as herein otherwise provided.

May levy tax same as upon towns, without regard to wards.

City clerk to deliver certified statement to treasurer, and tax roll.

SECTION 9. Whenever any tax roll, either general or special, shall be issued in said city, the city clerk shall, as soon as he knows the amount thereof, deliver to the city treasurer a certified statement, showing the amount of taxes so levied upon said city, and for what purpose; and so soon as said treasurer shall deliver to said city clerk the receipt of the county treasurer for the bond required of him by the laws of this state, or he shall have given and filed his bond as may be required by the order or resolution of the common council, the said city clerk shall deliver to the said city treasurer the tax roll, with a warrant in manner and form as required of town clerks by the laws of this state, and shall otherwise be subject to the same duties and liabilities in the premises. He shall also preserve a duplicate of said certified statement, and file the same among the records of his office.

If tax is extraordinary, council may require additional bond of treasurer.

SECTION 10. Whenever any general, annual special tax roll issued by the city, shall have in it extra or unusual amount of special or different tax from those usually collected annually in said city, common council shall, by order the city treasurer to give an additional form, to the city, in duplicate, for special or different taxes, and in roll be delivered to said city treasurer until he shall have filed the bond required by the common council, or shall have delivered to the city clerk the receipt of the county treasurer for his bond, as required by the laws of this state.

City treasurer to collect tax as town treasurer do—his fees.

SECTION 11. The city treasurer shall proceed to collect under the warrant so issued, in like manner and shall have like powers, and be subject to like duties, liabilities and restrictions as town treasurer except as herein otherwise provided. The city treasurer shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon taxes collected after that time, to be added to the amount of taxes and collected with the same, and two per cent. upon all other money paid into the treasury (except on the amount he may receive from his predecessor in office), in full for services performed by said treasurer under this act and the ordinances of the city. The said treasurer shall also, at the time of making his return to the common council, make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees, to such delinquent return

Shall make list of delinquent taxes.

allowed or required by law, upon delinquent returns from the several towns.

SECTION 12. The county treasurer shall sell all delinquent lands or lots returned from the city of Mineral Point, at the same time and in the same manner as other delinquent lands are sold in said county, and shall proceed to collect all delinquent personal property taxes returned from the city, in the same manner as is or may be provided by law for the collection of such taxes, when returned from towns in said county.

County treasurer to sell delinquent lots.

SECTION 13. All real estate exempt from taxation by the laws of this state shall be subject to special taxes for the building of sidewalks and improvement of streets in front of the same.

Exempt property liable to special taxes.

SECTION 14. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city of Mineral Point, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessments levied after the passage of this act, until the person commencing such a proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or lands described in such deeds, paid by such holder or claimant, together with twenty-five per cent. interest on all sums, from the time of such payment to the commencement of such suit or proceeding, and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence in such suit or proceedings to the extent specified and provided by the laws of this state in case of tax deeds: *provided*, that if said tax or any part thereof is for, or in any way based upon claims growing out of or from bonds heretofore issued by the county of Iowa, or town of Mineral Point, to or in aid of the Mineral Point Railroad Company, then for that tax or part thereof, no such deposit need be made, either for that tax or the interest or cost thereon.

Suits to recover possession not to be commenced till amount of taxes, costs and charges are deposited with the court.

In the trials, deed to be read in evidence, except for railroad bond debt.

Private property not to be levied on to satisfy public debt.

SECTION 15. No real or personal property of a habitant of said city, or of any individual or corpora therein, shall be levied upon or sold by virtue of execution, order or decree issued or made to satisfy or collect any debt, obligation or contract of said city or of any individual therein, upon any pretense whatever, if said execution, order or decree is founded upon any claim for, or in any way whatever grows out of any debt or contract which said city ought to pay either in whole or in part.

No execution to be issued on judgments against city officers, entered in their name or office.

SECTION 16. When a judgment shall be recovered or an order or decree be rendered against said city or any ward thereof, or against any officer of said city or any ward thereof, or against any individual therein, in any action or proceeding whatever, prosecuted by or against him, either in his name or office or individually, where the same should be paid by the city or any ward thereof, or where the same is founded upon or based on any claim for or in any way whatever grows out of any debt or contract, which said city ought to pay in whole or in part, no execution shall be issued or awarded upon such judgment, order or decree, nor shall any action be brought thereon, but the same, unless reversed, shall be levied and collected as herein provided, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher.

Such judgments to be paid by levying tax upon all the taxable property of the city.

SECTION 17. Whenever any final judgment, order or decree as is mentioned in the preceding sections, together with the plaintiff or complainant in any such cause or proceeding, his assignee or attorney, stating that said judgment, order or decree has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the city clerk, it shall be the duty of said clerk to immediately notify the mayor thereof, and the mayor shall as soon thereafter as may be, call a meeting of the common council, at which meeting the council shall proceed to assess and levy the amount thereof, with the interest thereon from the date of such judgment, order or decree, to the time when the warrant for the collection thereof will expire, as a tax upon all the taxable property of said city, as shown by the last assessment roll; the city clerk shall, within thirty days thereafter, issue a tax roll therefor with warrant annexed in the usual form, and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other city taxes, but in no case or way

whatever shall said tax be mixed or mingled with any other tax.

SECTION 18. All principal and interest upon all bonds which have heretofore been issued by the town of Mineral Point, for railroad stock or other purposes, shall be paid whenever the same may be settled by the city and town of Mineral Point, in the proportion heretofore settled and agreed upon according to law, by and between the said town and city, and in case either town or city shall pay more than their equal and just portion of the same at any time, the other party shall be liable therefor in an action on the case, brought by the party so paying for the same.

How and when principal and interest on railroad bonds to be paid.

SECTION 19. For the purpose of compromising and settling the claims for railroad indebtedness against the town and city of Mineral Point, based and founded upon bonds heretofore issued by the town of Mineral Point, to aid in the construction of the Mineral Point railroad by authority of "an act to authorize the counties and towns through which the Mineral Point railroad passes, to aid in its construction, approved March 28, 1853," and which indebtedness may, at the time of compromising or settling the same, be represented by bonds, coupons, judgments, orders or decrees rendered or made upon the same, it shall be lawful for the common council of said city, in concert with the board of supervisors of the town of Mineral Point, to compromise or settle the said claims or indebtedness, upon such terms and conditions as to them shall seem most advantageous and beneficial to said city and town, proceeding therein as is hereinafter provided.

Council and board of supervisors may compromise and settle railroad indebtedness.

SECTION 20. At the first meeting after the annual meeting in A. D. 1873, or as soon thereafter as may be, the common council shall, by an order or resolution to be entered upon its record, appoint a railroad bond committee, consisting of seven persons, who shall be selected from, and be principal freeholders, tax-payers, voters and residents of said city; the said committee may be, by the common council in its discretion, changed from time to time, either in whole or in part, and said council shall fill any vacancies which may occur in said committee by death, resignation or removal from the city, record thereof being always kept, so as to show what persons compose said committee.

Shall appoint a railroad bond committee.

SECTION 21. Whenever the holder of any of said indebtedness or claims shall have agreed with the common council and the board of supervisors of the town of Mineral Point to settle any of said indebtedness, an

Shall make agreement for terms of settlement in writing, for approval of council.

article in writing shall be made, and signed by the parties making said agreement, which shall distinctly state what is agreed to be settled, the terms of settlement agreed upon, both as to amount, mode and manner of payment; the said agreement shall then be submitted to said railroad bond committee appointed as aforesaid, acting with a similar committee of four from the town of Mineral Point for approval; the said committees shall meet together to consider the same, and they shall endorse on the said agreement in writing over their signatures, their approval or disapproval thereof, and return the same to the common council. If the said agreement be approved by a majority of the whole of said committees, the same shall be carried out and fulfilled by the parties making the same, but if said agreement shall be disapproved by a majority of the whole of said committees, it shall not be carried out or fulfilled, but shall be null and void.

Council may
issue bonds to
fulfill said
agreement, or
may stipulate
to pay certain
sum into court.

SECTION 22. For the purpose of fulfilling and consummating an agreement so made and so approved for the purpose of raising or borrowing money to fulfill and consummate the same, the common council of said city of Mineral Point shall, for the share and proportion of said city of any such settlement and agreement, have power to issue bonds, with interest coupons attached, promissory notes, orders or drafts for such sum or sums, to such person or persons or corporation, bearing such rate or rates or interest, payable both as to principal or interest, at such time or times, place or places, to order or bearer, as may be necessary to fulfill said agreement, or shall have power to stipulate and agree with the holder of any of said indebtedness, who may have the same in judgment, to pay a certain sum and interest thereon, into the court where the judgment or decree may be, in satisfaction of the same, the creditor being permitted to hold the judgment as security for the fulfillment of the stipulation; the said stipulation must be placed on record in said court, and must also first have been agreed to, and approved as aforesaid; all bonds, notes, orders, drafts or stipulations issued or made under the provisions of this act, by said city, shall be signed by the mayor, and countersigned by the city clerk, and sealed with the seal of said city, and the said clerk is required before the delivery of any such bond, note, order, draft or stipulation, to make and keep a full and fair record thereof, which record may be written or printed, or partly written and partly printed in a book to be furnished for that purpose.

How bonds,
stipulations,
etc., to be ex-
ecuted.

SECTION 23. For the prompt payment and fulfillment of all the bonds, promissory notes, orders, drafts or stipulations which may be issued under the authority of this [act], or for the payment of necessary expenses incurred in regard to said indebtedness, the common council of said city are hereby authorized and required, at the time of levying their usual regular annual taxes, to assess and levy a tax upon all the taxable property of said city and town, from year to year, sufficient to promptly and faithfully pay, as the same may become due, all sums agreed to be paid by the said bonds, notes, orders, drafts or stipulations aforesaid, the interest thereon and the expenses aforesaid, and the sums so levied shall be collected with, and in the same manner as are other city and town annual taxes, and all laws and provisions of this act applicable to such other taxes, shall be applicable to taxes levied by virtue hereof, and the moneys so raised or borrowed, and the taxes that may be levied and collected to pay the same shall not be diverted or used for any other purpose or be subject to any legal process whatever.

Council shall
levy tax to pay
bonds, stipula-
tions, etc., with
interest, ex-
penses, etc.

SECTION 24. The common council of said city and each of the officers of said city, and the attorneys and agents of each, and of said city are hereby expressly prohibited from issuing or delivering any of the bonds, promissory notes, orders, drafts or stipulations authorized by this chapter, except for the purpose of settling said indebtedness, or unless the same shall have been first agreed for, and approved as herein provided, and any such issue or delivery of any such bonds, promissory notes, orders, drafts or stipulations, or either of them, except as herein provided, by any officer, attorney or agent or said officers or of said city, shall be deemed an embezzlement, and the person, officer, attorney or agent so offending, shall, upon conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court.

No bonds to be
issued except
for the purpose
of settling said
indebtedness.

SECTION 25. Any member of said common council who shall neglect, refuse, or in any way avoid levying the taxes provided for in this chapter as therein required to be levied, or if they or any of the officers of said city shall neglect, refuse or avoid carrying out any of the provisions hereof for the payment of said bonds, promissory notes, orders, drafts or stipulations, not made the subject of a special penalty, such person or officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the common jail of Iowa county not more than six months, or both.

Penalty for neg-
lect or refusal
to levy tax.

at the discretion of the court, *all fines* im-
collected for a violation hereof *shall be used ex*
to pay the obligations authorized *by this act*.

CHAPTER VIII.

COMMON SCHOOLS.

City shall con-
stitute one
school district,
and be under
control of the
commissioners.

SECTION 1. The city of Mineral Point sh-
stitute one school district, under the control an
agement of a board of education, to be compose
city superintendent, *ex officio*, [who] shall be pr
of the board, and one commissioner from each w
be elected by ballot by the common council at i
meeting after the annual election, or as soon ther
as may be, one of whom shall be elected and
nated to hold his office for the term of two years
the other shall hold his office for t
and thereafter every year the co
elect one commissioner from the
sioner then going out of office, and said commissio
so elected shall hold his office for the term of t
years. Said commissioners may be removed from
fice for official misconduct or wilful neglect of du
by the common council, by a vote of two-thirds of t
members thereof, a fair hearing having been grant
before removal.

Commissioners
shall take oath,
and appoint
clerk.

SECTION 2. Said commissioners shall, within t
days after their appointment, take the oath of offic
prescribed by the constitution of this state, and file th
same with the city clerk. At their first meeting, they
may appoint one of their number clerk, or, if advisa
ble, some other person, to hold his office during the
pleasure of said board, who shall receive such com-
pensation as said board may determine. The said
commissioners shall receive no compensation for their
services.

Duties of the
said clerk.

SECTION 3. The clerk of said board shall keep a
record of the proceedings thereof, and perform such
other duties as the board may prescribe; which record,
or transcript thereof, certified by the president and
clerk, shall be received in all courts as *prima facie* ev-
idence of the facts therein set forth; and such record,
and all the books and accounts of the said board shall
at all times be subject to the inspection of any member
thereof, officer of said city, or of any person or commit-
tee appointed by the common council to examine the
same.

SECTION 4. The common council of the said city of Mineral Point shall have the power and it shall be their duty to raise from time to time by tax, upon the real and personal estate of said city subject to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary and proper for any or all of the following purposes, the said certificate to be sent in to the common council immediately preceding the time fixed for the annual levy of taxes:

Council shall raise by tax any additional sum necessary for the following purposes.

1st. To purchase, lease or improve sites for school houses. Purchase sites.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances. Build school houses.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to extend to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same. Purchase apparatus, books, etc.

4th. To procure fuel and defray the contingent expenses of the common schools and the expenses of the school library of said city. For fuel and contingent expenses.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *provided, however*, that no tax shall be levied for said purposes oftener than once a year: *provided, also*, that if from any cause whatever, the school tax levied for any one year shall remain uncollected, the common council may, if it deems it best, direct the same, or any part or portion of it, to be added to and collected with the school taxes for the ensuing year. To pay teachers' wages. Not to be levied but once a year.

SECTION 5. The common council shall cause the tax or taxes herein provided for, to be levied and collected annually, in the same manner as other annual taxes are levied and collected in said city, and all moneys so collected, and all school moneys appropriated by law to, or provided by law for said city, shall be paid to the treasurer of said city, who, together with the sureties on his bond, shall be accountable therefor in the same manner as for other moneys of said city. Council shall cause taxes to be levied annually.

SECTION 6. The treasurer of said city shall not pay out any money in his hands received by the said city, either as school moneys, or collected or received by virtue of any provision of this chapter, except upon an Not to pay out money except upon order of the board of education.

order drawn upon him, signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

May be prosecuted for default, etc.

SECTION 7. The said board may cause a suit or suits to be prosecuted in the name of the city of Mineral Point, upon the official bond of the treasurer, or of collector of said city, for any default, delinquency or official misconduct in relation to the collection, safe keeping, or payment of any moneys in this act mentioned.

Board may establish schools in the different wards.

SECTION 8. The said board shall have the power and it shall be their duty :

1st. To establish and organize such and so many schools in the several wards of said city as they shall deem requisite and expedient, and to alter and discontinue the same : *provided*, that the system of graded, or union schools shall be adopted as the foundation of all such schools.

May purchase or hire school houses.

2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence or improve them as they may deem proper.

May build, alter or improve school houses.

3d. Upon such lots and upon any sites now owned by the city, either by purchase or as the successor of the village of Mineral Point, to build, enlarge, alter, improve and repair school houses, out-houses and appurtenances as they may deem advisable.

May purchase books, apparatus, etc.

4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for schools, and defray their contingent expenses, and the expenses of the district library.

Shall have custody of all school property.

5th. To have the custody and safe keeping of the school houses and out houses, books, furniture and appendages, and to see that the ordinances, rules, orders, resolutions or by-laws of the common council in relation thereto are observed.

Employ teachers.

6th. To contract with and employ all teachers in the common schools, and the high schools who shall have been licensed by the superintendents, and at their pleasure to remove them.

Pay their wages.

7th. To pay the wages of said teachers out of such funds provided for that purpose as may be in the treasury of the city.

Defray contingent expenses.

8th. To defray the contingent expenses of the board, including the salary of the clerk : *provided* the account of such expenses shall first be audited and allowed by the common council.

9th. To have the entire supervision and control of the common schools in said city, and to regulate the manner of receiving pupils, and their transfer from one school to another, and to adopt rules for their own government.

Have supervision of schools.

10th. Whenever said board shall deem it advisable to sell any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the city, to report and recommend the same to the common council.

May sell all school property.

11th. To recommend to the common council any matter in which its action is desirable, and to certify the amount of money necessary to be raised under the fourth section of this chapter, and the reasons therefor.

Certify to council the amount of money to be raised.

12th. If from any cause whatever, the officers of the city, or any or either of them whose duty it is to aid in or collect the taxes provided for in this chapter, shall neglect or be unable to collect said taxes up to the first day of February of any year, the said board of education shall, if it deems it for the interest and benefit of the people of said city, by resolution to be entered in their records, and a certified copy whereof shall be furnished to the city clerk, assess and re-levy such taxes upon all the taxable property of said city according to the last assessment roll, and in said resolution shall direct the city clerk to issue a tax roll for taxes, with warrants annexed, in the usual form, and to place the same in the hands of the city treasurer for collection, and the said re-levy of said taxes shall be of the same force and effect in the law as the original levy thereof by the common council.

If city officers fail to levy and collect tax, board may re-levy and direct collection.

SECTION 9. Upon receiving the said certified copy of said resolution, the city clerk shall file the same in his office, and immediately make out a tax roll for said taxes, with a warrant annexed in the usual form, returnable in forty days, and shall, in regard thereto, conform and do in all respects, as near as may be, the same as though he was making and issuing a regular annual tax roll.

City clerk shall make tax roll, and annex warrant.

SECTION 10. The city treasurer shall give bond therefor as may be required by the common council, and shall then take and receive the said tax roll from the city clerk, and shall proceed to execute said warrant in all respects as soon as may be, as if it were the regular annual tax roll, except that he shall make his delinquent return of such taxes in said roll, as may be unpaid, to the city clerk, who shall, upon making the next regular annual tax roll thereafter, enter such unpaid taxes in a separate column therein, opposite the

City treasurer shall give bond and proceed to collect tax as in other cases.

description of property upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as other city and county taxes are collected.

May allow non-resident children to attend school.

SECTION 11. The said board may allow the children of non-residents to attend any of the schools of said city upon such terms as said board shall by resolution prescribe, fixing the rate of tuition therefor.

Board shall make report of receipts and disbursements.

SECTION 12. It shall be the duty of the said board, on or before the last Monday of March in each year, to prepare and report to the common council a true and correct account of the receipts and disbursements of moneys under and in pursuance of the provisions of this act, during the preceding year, in which account shall be stated under appropriate heads: 1st. The moneys received by the city under the fourth section of this chapter; 2d. The moneys received by the city under the twelfth sub-division of this chapter; 3d. The school moneys received by the treasurer of the city from the 4th. The moneys received from donations. All other moneys received by the treasurer, subject to the order of the board, specifying the sources, and the common council shall cause the same to be published.

Shall be subject to rules of state superintendent.

SECTION 13. The said board shall be subject, from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Duties of the city superintendent.

SECTION 14. The city superintendent shall be the executive officer of the board of education, shall examine all teachers making application for schools, in the presence of the board, shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the public schools. He shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board shall superintend the building and repairing of all school houses ordered to be erected or repaired by them unless otherwise directed. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term and report their condition to the board with such suggestions for their improvement as he may deem proper. His compensation shall be fixed by the common council of the city, and shall be paid out of the contingent school fund of the city.

Additional duties.

SECTION 15. It shall be the duty of the city superintendent, between the first and fifteenth days of October in each year, to make out and transmit to the clerk of the board of supervisors of the county, a report in writing, setting forth such facts as are now required by law to be included in the report of school district clerks.

He shall make annual report.

SECTION 16. It shall be the duty of the common council to pass such ordinances as may be necessary for the protection and preservation of the school houses, lots, sites and appurtenances, and to impose proper penalties for violation of the same; such penalties to be collected as other penalties for the violation of other city ordinances, and to be paid to the city treasurer, subject to the order of the board of education.

Council shall pass ordinances for protection of school property.

SECTION 17. The title to the school houses, lots, sites, furniture, books, apparatus, appurtenances and all other property now belonging to the city of Mineral Point, whether vested therein by the acts to which this is amendatory or otherwise, and such as may be hereafter acquired, shall remain and continue to be vested in the city of Mineral Point, and the same may be sold by the common council of said city, upon application of the board of education, upon such terms as said common council may deem advisable. The same while used or appropriated for school purposes, shall not be levied upon or sold by order of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same be transferred to said city by its proper style, or by any other designation, or to any person or persons, or body for the use of said schools.

Title to all school property shall be and remain vested in city.

Shall be exempt from taxation and execution.

SECTION 18. All moneys required to be raised by virtue of this act, or being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution, or resolutions of said board, by drafts drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may be by law authorized to receive.

All school moneys to be under control of board of education.

SECTION 19. The common council of said city shall have no power or authority to borrow any sum of

Council prohibited from borrowing money.

money for the purpose of procuring sites and erecting a suitable edifice or edifices for the use of the schools thereof, [except] as hereinafter provided.

May authorize special election to vote on question of loan.

SECTION 20. Whenever a majority of the common council shall deem it expedient to make a loan for such purpose, the said council may authorize a special election to be held, or a vote of the legal voters of said city to be taken at a general city election, when the voters of said city shall vote, "for the loan" or, "against the loan," and if a majority of the votes cast at such election be returned "for the loan," the common council of said city shall have power to borrow a sum of money not exceeding ten thousand dollars, for the purpose of procuring sites and erecting a suitable edifice or edifices for the use of the schools thereof, to be expended under the direction of the board of education, and to execute bonds therefor, under the common seal of the city, and the signature of the mayor and clerk thereof. The loan of the sum hereby authorized shall be for a term not exceeding fifteen years, and shall be paid in manner stipulated by said common council, and the interest thereon shall be paid annually, and the common council are hereby authorized, and it shall be their duty to raise by tax, in the manner specified in the fourth section of this chapter, the annual interest of said loan, and to pay over the same in discharge of such interest; and also to raise in the same manner any sum necessary to meet the conditions of said loan, and to pay over the same in discharge thereof: *provided*, that the common council, before such vote of the legal voters of said city, shall give ten days' public notice of the amount proposed to be borrowed, and the time and place of holding the election.

When and how to be paid.

City clerk shall notify superintendent and commissioners of their election.

SECTION 21. It shall be the duty of the city clerk, immediately after the appointment of any person as commissioner of common schools or election as city superintendent, personally to notify him of his appointment or election, and if any such person shall not, within ten days after receiving such personal notice of appointment, take and subscribe to the constitutional oath, and file the same with the city clerk, the common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal, by electing some one by ballot to hold said office for the balance of the term.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

The council
may prescribe
fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, furnaces, ranges, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May take other
precautionary
measures to
prevent and ex-
tinguish fires.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers, and form its own

May purchase
engines and
authorize form-
ation of fire
companies.

Number lim-
ited.

Exemption of members.

by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from highway work, poll tax, from serving on juries, and from military duty during the continuance of such membership.

Meeting to nominate officers.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of March in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment; one chief engineer, and their assistant engineers, and the common council shall thereupon confirm such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Shall nominate fire wardens.

SECTION 5. At the same time the members of said company shall nominate, and the common council shall appoint the same, four fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe, and they may at any time enter into or open any house, storeroom or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

One half of fines payable to fire department.

SECTION 6. One-half of the net proceeds of all the fines or penalties recovered for the breach of any ordinance, by-law, regulation, rule or order made in pursuance of this chapter, shall be paid to the fire department.

Persons disobeying orders may be arrested.

SECTION 7. When any person shall refuse to obey any lawful order of an engineer, fire-warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any constable, policeman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until the fire shall be extinguished, and in the same manner such officers, or any of them may arrest, or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

The penalty.

May organize sack company.

SECTION 8. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a

part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Mineral Point, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot and disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said company.

Shall act as
special police.

At fires shall
take charge of
property.

Shall take oath
of office.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Mineral Point shall continue to be and is hereby again invested as the lawful owner and successor of all the real and personal property and all the rights and privileges belonging to the corporation of the village of Mineral Point.

City to be suc-
cessor of vil-
lage.

SECTION 2. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

All work to be
let to lowest
bidder.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, rules, orders, resolutions or by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeit-

How actions to
recover penal-
ties to be
brought.

ure, stating the clause of this act, order, resolution or by-laws, under which the forfeiture is claimed, and to give evidence under it.

Shall issue execution.

What execution shall require.

Not to make incompetent.

How process to be served against city.

May hold and dispose of real estate.

Effect of general laws.

No salary to mayor or aldermen.

Place of confinement for offenders.

SECTION 4. In all such cases section three of this chapter, except forthwith on the rendition of judgment, shall be stayed or appealed according to the same be stayed or appealed according to hereof and the laws of this state. In cases of *ex contractu*, shall require any such action, in case no good title or tenements, whereof the judgment can be found, to be imprisoned in the jail of Iowa county, or in the jail of the city, for a term not exceeding three months, in the discretion of the municipal judge or justice of the peace rendering judgment, unless the same be paid or discharged by the common council.

SECTION 5. No person shall be an incompetent judge, justice, witness or juror by reason of being an inhabitant of said city, in any proceeding in which the city shall be a party in interest.

SECTION 6. Whenever any suit or action is commenced against said city, the service of process shall be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor to inform the common council thereof, and to cause such other proceedings as the ordinances, resolutions or by-laws of the council may require to be taken.

SECTION 7. Said city may lease, purchase or otherwise acquire real or personal property sufficient for the use of the inhabitants thereof, and may sell the same, and the same shall be free from taxation.

SECTION 8. No general law contravening the provisions of this act shall be considered amended or modifying the same, unless it is expressly set forth in such law.

SECTION 9. No compensation or salary shall be paid out of the city treasury to the mayor or alderman of said city for his services, and he is hereby prohibited from being in any manner interested in any contract made by the authority of the city.

SECTION 10. The use of the jail of Iowa county, until otherwise provided, shall be granted to the municipal judge or justice of the peace for the confinement of offenders, and every offender, unless sentenced to the city jail, shall be committed to the sheriff of said county, for his safe keeping and delivery the said sheriff shall be responsible, as in other cases; but said county shall incur or pay any liability or expense on a

person committed to said jail for a violation of any ordinance, rule, order, resolution or by-law of said city, but such expenses shall be paid by the city.

SECTION 11. This act shall be considered a public ^{A public act.} act, and shall be construed favorably in all courts and places, and whenever in the same, any act or thing is directed or provided to be done, it shall be lawful to do and perform said act or thing, the same as though it were therein specifically authorized and declared to be lawful.

SECTION 12. An act entitled an act to amend an ^{Repealed.} act entitled an act to incorporate the city of Mineral Point, approved March 2, 1857, and also, acts amendatory thereof, approved March 25, 1858, March 17, 1859, and March 2, 1860, approved March 16, 1861, and all acts amendatory thereof are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 238.

[Published March 27, 1873.]

AN ACT to prescribe the powers, rights and duties of towns and cities holding stock in railway companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and eighty-two of the general laws of 1872 is amended <sup>Amended—
how provisions
to apply.</sup> by adding to said section the following: The provisions of this section shall be held and deemed to apply to all cases where aid has been or hereafter may be voted and stock subscribed towards the construction of any railroad in this state, whether under the provisions of this act or any other law of a general or private nature.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 239

[Public]

AN ACT to legalize the equalization, in
taxes in the village of Shawano for the

*The people of the state of Wisconsin,
and assembly, do enact as follows:*

Equalization
and levy legal-
ized.

SECTION 1. The equalization, levied
of taxes for the year 1872, in the village
upon all property in said village, in-
cluded thereto by chapter ninety-three
and local laws of 1872, are hereby
declared valid, the same as if all the
had been fully complied with, and
levied or attempted to be levied upon
part or that territory by any authority.
village of Shawano shall be held to
force.

SECTION 2. This act shall take
force from and after its passage.

Approved March 19, 1873.

CHAPTER 240

[Public]

AN ACT relating to the publication of

*The people of the state of Wisconsin,
and assembly, do enact as follows:*

Unlawful to
publish tax list
in transient pa-
per.

SECTION 1. It shall be unlawful for
treasurer to insert a list of lands for
taxes, or for a county clerk to insert
redemption, in any newspaper that
regularly published for at least two years
time for said publication of lists: provided,
shall not apply to any paper now published
any county in which one newspaper
published the required time.

Penalty for vio-
lation.

SECTION 2. Any treasurer or clerk
provisions of this act shall be liable

of his bond, one half to go to the county, and the balance to the party prosecuting the said [same].

SECTION 3. All acts or parts of acts in so far as they contravene the provisions of this act are hereby repealed.

SECTION 4. This act shall be in force from and after its passage

Approved March 19, 1873.

CHAPTER 241.

[Published March 25, 1873.]

AN ACT to legalize the assessment of real and personal property in the counties of Ashland and Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The assessment of the real and personal property made for the year 1872, in the several towns in the counties of Ashland and Bayfield is hereby legalized and declared valid, and taxes levied upon the same shall be collected by law, the same as though the time and manner of assessment fixed by law had been fully complied with in making said assessment. Assessment legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 242.

[Published March 27, 1873.]

AN ACT to provide for the sale of delinquent lands by county treasurers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The several county treasurers of this state are hereby required to sell the delinquent lands which are subject to sale as now provided by law, on the second Tuesday of May, in each year, and the dis- When county treasurer must publish delinquent list.

cretionary power heretofore given to them, in certain cases to sell the same in September, is hereby annulled.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 243.

[Published March 29, 1873.]

AN ACT to provide for the settlement of the claim therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Governor to appoint commissioners to sell certain claim.

SECTION 1. The governor is hereby authorized and required to appoint three commissioners, to be disinterested persons and residents of the state, who shall have full power and authority to hear, try and determine the claim for damages made by Morgan L. Martin, under the contract entered into by him with the state, and bearing date May 14, 1861, and for that purpose may meet at such time and place as they may appoint, and having taken an oath to faithfully and impartially discharge the duties herein required, may take testimony of witnesses, and may also take into consideration the evidence adduced in a certain case in which said Martin was plaintiff, and the Fox and Wisconsin Improvement Company was defendant, and filed in the office of the clerk of the circuit court of the county of Brown, on the 31st day of December, 1861.

How fill vacancy in commission.

SECTION 2. In case a vacancy should occur in said commission by death or otherwise, the governor is hereby authorized to fill the same, and upon a report made and certified by a majority of said commissioners to the secretary of state awarding any sum of money in satisfaction of said claim, and on his approval thereof, he shall draw his warrant on the state treasurer for the amount so awarded.

Per diem of commissioners.

SECTION 3. The per diem of said commissioners shall be ten dollars per day each, during the time they may be engaged in the performance of the duty assigned them, and they shall also be entitled to receive payment for necessary travelling expenses, all of which shall be paid by the claimant, and in no event be chargeable to the state.

SECTION 4. There is hereby appropriated, out of Appropriated.
any money in the general fund not otherwise appropriated,
a sum sufficient to carry into effect the provisions
of section two of this bill [act] : *provided*, that the same
shall not be paid before February 1, 1874.

SECTION 5. This act shall take effect and be in force
from and after its passage.

Approved March 19, 1873.

CHAPTER 244.

[Published March 25, 1873.]

AN ACT to enable the town of Grand Chute and the city of Appleton to settle their bonded indebtedness.

WHEREAS, The town of Grand Chute, A. D. 1855, is- Preamble.
issued its bonds to the amount of ten thousand dollars,
pursuant to an act of the legislature of the state of
Wisconsin, approved February 10th, 1854, entitled
an act to authorize the towns therein named to sub-
scribe plankroad stock; and

WHEREAS, The validity of said bonds has been contested
by said town, but such bonds have been declared to
be valid by the supreme court of the United States;
and

WHEREAS, The said town of Grand Chute and the city
of Appleton are desirous of compromising with the
holders of said bonds, and adjusting terms for the
payment of the same; therefore,

*The people of the state of Wisconsin, represented in senate
assembly, do enact as follows:*

SECTION 1. It shall be lawful for the common
council of the city of Appleton and the board of super-
visors of the town of Grand Chute to make and execute
the joint bond or bonds of said city and town, and to
exchange the same for any bond or bonds, or any
coupons which have been cut off from any bond or
bonds which were issued as aforesaid, or to use the
same in payment or part payment, or for the purchase
of any judgment or decree against said town and city,
or either of them, and which judgment or decree may
be founded upon any bond or bonds issued under said
act, or any interest coupon or coupons originally at-

Council and su-
pervisors may
execute joint
bonds of city
and town.

tached thereto, or any judgment or decree entered thereon.

Council may execute city bonds, and exchange for bonded indebtedness.

SECTION 2. It shall also be lawful for the council of said city to make and exchange bonds of said city, and to exchange the whole or any part of its *pro rata* share upon the bonds or detached coupons of judgment or decree against said town or city, or of them, founded thereon, and the said town of Grand Chute are also hereby empowered to issue the bond or bonds, and to exchange the same for the whole or *pro rata* share of indebtedness upon detached coupons, or upon any judgment or decree against said town and city, or either of them.

When bonds to become due, the rate of interest, the denomination and where payable.

SECTION 3. All bonds issued under this act shall become due and payable within twenty years from the 10th day of February, 1873, and shall bear interest at the rate of not less than five per cent. per annum, payable annually on the 10th day of February, 1873, and of such denomination as may be agreed upon at the time of issue, and may be made payable at New York, or elsewhere, with exchange as the parties may agree at the time of issue; *however*, that the bonds to be issued shall not exceed the amount due to such persons on bonds which were issued under said act of the 10th, 1854, with the interest thereon, or decrees founded thereon, and interest on such judgments or decrees.

How indebtedness to be apportioned between town and city.

SECTION 4. The indebtedness upon all bonds or coupons issued under the provisions of said act, or upon any judgment or decree founded thereon, shall be apportioned between said town and city, and the *pro rata* share of each to be paid by said town and city shall be ascertained and determined according to the provisions provided in section sixteen of sub-chapter IV of the laws of this state, approved March 18, 1854, or an act to incorporate the city of Appleton (if any) amendatory thereof: *provided* that any portion of said indebtedness has been paid by said town and city shall hereafter be apportioned between said town and city, by the judgment or decree, shall be to the proper *pro rata* share of the said city of the indebtedness.

Previous apportionment to be conclusive, as to *pro rata* share of town and city.

said court; and *provided further*, that it shall be competent for the supervisors of said town and the common council of said city, at any time hereafter, to agree upon a different basis for the apportionment of the said indebtedness or any part thereof, between the said town and the said city, and to fix and determine the percentage thereof to be assumed and paid by the said town and city respectively; and such agreement, when so made, shall thereafter be final and conclusive upon both the said town and the city. Such agreement, when made, shall be in writing and signed by a majority of the supervisors of said town and a majority of the members of the common council of said city, and the same may be recorded by the clerk of said town and the city clerk of said city in the records kept by them respectively.

Different basis may be agreed upon, in writing.

SECTION 5. The said town and city shall be severally liable to the holder thereof for the whole amount of principal and interest, payable upon any such joint bond as the same becomes due; and in case either the said town or city shall fail to pay its *pro rata* share of such bond or interest as the same becomes due, an action may be maintained for the amount due and unpaid against both the said town and city to recover the amount so due and unpaid.

The town and city to be severally liable upon joint bonds.

SECTION 6. It shall be lawful for the said town or the said city to pay the whole amount of principal or interest on any such joint bond or bonds as the same becomes due and payable; and in case either party shall pay voluntarily, or otherwise, more than its *pro rata* share of indebtedness upon any such joint bond, the excess so paid, with interest thereon at the rate of ten per cent. from the time of such payment, shall be paid by the party in default to the party making such payment, and the same may be recovered in an action at law by the party entitled thereto; and in addition thereto, the party making such payment shall have the same remedy to enforce its collection as is herein provided for the collection of interest or principal by the holders of any bond issued pursuant to the provisions of this act.

Town or city may pay whole amount, and recover back amount over its *pro rata* share.

SECTION 7. In case the supervisors of said town, or the common council of said city, shall exchange any bond or bonds provided for in section two of this act, for any of the bonds, interest, coupons, judgments or decrees mentioned in section two, the same shall be deemed, as between said town and city, a payment upon and towards its *pro rata* share of such indebtedness to the amount of principal and interest outstand-

Exchange of bonds for indebtedness to be considered as payment of *pro rata* share.

Town or city
may recover
any excess it
may pay of its
pro rata share.

ing upon such bond, coupon, judgment or decree, so received in exchange at the time or times the same may be received. And if at any time hereafter either the town or city shall pay any sum or sums whatever, for or on account of its liability upon the bonds or interest coupons so issued, or upon any judgment or decree heretofore rendered or entered, or hereafter to be rendered, as entered upon any such bond or coupons in excess of its pro rata share of such indebtedness, the excess so paid, with interest thereon at ten per cent. from the time of payment, may be recovered of the other party, and the party paying such excess shall have all the remedies for the collection thereof which are provided for in this act for the collection of interest or principal, by the holder of any bond issued pursuant to the provisions of this act.

Shall levy an-
nual tax to pay
bonds and
coupons matu-
ring for each
year.

SECTION 8. There shall annually be levied by the city of Appleton and town of Grand Chute, a tax upon all the taxable property of said city and town respectively, sufficient to raise in the aggregate a sum sufficient to pay all bonds and coupons maturing in the next succeeding year, and collect its pro rata share with other taxes for the same year, and the money so collected, or so much thereof as may be necessary, shall be applied to the payment of the interest which has accrued at any time during the next year succeeding such levy upon the bonds that may be issued pursuant to the provisions of this act; and the balance of said money shall be used in the purchase or payment of any one or more of said bonds, so far as said money be sufficient for that purpose, in the manner hereinafter provided; and in case the supervisors of said town, or the common council of said city, shall neglect to direct such levy for the ensuing year, it shall be the duty of the town clerk of said town, or the city clerk of said city, without any order or direction from the supervisors of said town, or the common council of said city, to levy and place in the next assessment roll, with other taxes, the pro rata share of such town or city, as the case may be, of said sum of eighteen thousand dollars; and it shall be the duty of the town treasurer of said town, and the city treasurer of said city, to collect the amount of said tax, as the same appears on the assessment roll, or his hands, in the same manner as other taxes are collected by him.

If supervisors
or council neg-
lect to levy said
tax, the town or
city clerk shall
place it in as-
sessment roll
without order.

If said clerks
neglect to levy,
they shall be
liable for
amount.

And if the town clerk of said town, or the city clerk of said city, shall neglect or refuse to levy the proper pro rata share of such tax, as provided in this section, he shall be personally liable therefor to the party or parties entitled to such money, and each and every person hold-

ing or owning any of said bonds or coupons, may recover against such clerk the amount of money due and owing thereon, and which amount the said clerk omitted to insert in such tax levy.

SECTION 9. It shall be lawful for the supervisors of said town, or for the common council of said city, to levy upon the taxable property within said town or city, such sum as the said supervisors or common council may think proper, in addition to the moneys provided for in the eighth section of this act, and the same shall be collected in the same manner as other taxes are collected, and when collected the moneys shall be used only for the payment or purchase of bonds authorized to be issued by this act.

Additional sums may be levied for the purchase of bonds.

SECTION 10. All moneys collected or received under and pursuant to the provisions of this act, shall be used for the purpose of paying the principal and interest upon the bonds hereby authorized to be issued, and for the purchase of such bonds, and shall be treated as a separate fund for that purpose, and the same shall not be liable for the payment of any other debt or demand against said town or said city; and the same shall not, nor shall any part thereof, be paid out or expended for any other purpose except as is provided in the eleventh section of this act.

All moneys collected under this act, to be used only for purposes herein named.

SECTION 11. If, at the time any interest on said bonds is about to fall due, there is not sufficient money in the treasury of said town or city to pay its share of interest on said bonds jointly issued, or the interest on its separate bonds, it shall be the duty of the supervisors of said town, or the common council of said city, as the case may be, to borrow from the general funds in the town or city treasury, or from any other person or party, a sum sufficient to meet the deficiency, and for that purpose may issue town or city orders, payable out of said trust fund, bearing interest at a rate not exceeding ten per cent., and due not more than six months after the date of such order.

If money in the treasury is not sufficient to pay bonds falling due, may make temporary loan.

SECTION 12. In case the treasurer of said town, or the treasurer of said city, shall fail, during any year to collect the full amount required or authorized by this act, to be collected before the 10th day of February next succeeding the date of his tax warrant, the said treasurer shall transfer from the moneys in his hands belonging to the general fund of said town or city, to said trust fund, an amount sufficient to supply the deficiency, so that there will be in his hands, belonging to the fund provided by this act, the same amount there should or would have been if said tax had been collected in full

If treasurer fail to collect sufficient money, may transfer from general fund to trust fund.

May return to
general fund
without inter-
est.

before the return of such delinquent taxes, and the money thus transferred shall thereupon form and constitute a part of said fund, and shall be paid out and disposed of in the same manner as moneys collected by virtue of this act, and any money so borrowed of the general fund or transferred from the general fund to the said trust fund may be repaid, without interest, to the general fund out of any money in the treasury belonging to said trust fund, at any time between the 10th day of February and the 1st day of December, in any year: *provided*, that there shall remain in the treasury belonging to said trust fund, money sufficiently to pay all interest coupons which are past due (if any such there be) and which are properly payable out of said trust fund.

May be payable
when agreed
upon.

SECTION 13. Nothing in this act shall be construed to forbid making said bonds payable at different times as may be agreed upon by the parties concerned.

Shall levy suf-
ficient to pay off
full amount.

SECTION 14. There shall be levied on the tax lists of the town and city, which are to be made out next prior to the time the principal sum of said bonds shall become due, a sum sufficient to pay off in full the amount of principal and interest payable by said town and city respectively, upon the bonds issued pursuant to the provisions of this act, and which are outstanding at the time of such levy, and the same shall be paid over in satisfaction and discharge of the said bonds, principal and interest.

No compensa-
tion to treasur-
er for transfer
of funds.

SECTION 15. No compensation shall be allowed to the treasurer for making a transfer of any moneys from the general fund, as hereinbefore provided, nor for paying out the same after such transfer.

Coupons re-
ceivable for
taxes.

SECTION 16. The coupons for interest upon any bond or bonds issued under the provisions of this act, becoming due on or before the 10th day of February next, succeeding the levy of any annual taxes by the town or city, shall be receivable by the treasurers respectively of said town or city in payment of taxes: *provided*, said bonds are issued jointly by the said town and city and by the treasurer of said town, so far as said bonds are issued by said town, or by the treasurer of said city so far as said bonds are issued by said city.

Liability of
clerks and
treasurers for
failure to per-
form their du-
ties.

SECTION 17. If the clerk of said town, or the clerk of said city, or the treasurer of said town, or the treasurer of said city, shall fail to perform the duties imposed upon him by this act, he shall be personally and officially liable to any person who is thereby injured to the full amount of money which such person would have been entitled to receive had such officer per-

formed his said duty imposed by this act, to be recovered in any court having jurisdiction thereof.

SECTION 18. The bonds issued pursuant to the provisions of this act, shall be payable to — or bearer, and shall be negotiable and shall pass on delivery, and without any indorsement whatever. The joint bonds of the town and city (if any such shall be issued) shall be signed by the mayor of the said city and the chairman of the supervisors of said town, and shall be countersigned by the clerk of said city and the clerk of said town. The separate bonds of the city shall be signed by the mayor and countersigned by the clerk of said city; and the separate bonds of the town shall be signed by the chairman of the supervisors of the town and countersigned by the clerk of said town, and all of said bonds shall be regarded as sealed instruments, whether the same shall actually be sealed or not.

To whom bonds payable, and how they shall be executed.

SECTION 19. The clerk of the city of Appleton shall keep a record in a book to be provided and kept for that purpose, in which he shall enter the date and number of each and every bond executed by the mayor and clerk in behalf of the city, pursuant to the provisions of this act, the amount of the principal sum payable upon every such bond, the place of payment, the name of the payee, the time of the delivery of such bond, and the person to whom the same was delivered; and whenever any payment of interest or principal shall thereafter be made by said city upon any such bond, the amount and time of such payment shall be entered by the city clerk in the proper place upon such record, and a like record shall be kept by the town clerk of all bonds executed by the chairman of supervisors and the town clerk of said town for and in behalf of said town of Grand Chute.

City clerk to keep record of bonds issued.

Shall enter time and amount of payments.

SECTION 20. If any interest coupons are received for taxes by the treasurer of said town or by the treasurer of said city, in the manner provided in section fifteen of this act, the same shall be deemed paid at the time they are received by such treasurer, and the said treasurer shall enter upon every such coupon the date at which he received the same, and upon the settlement of his accounts, the said treasurer shall be credited with the amount payable upon such interest coupons so received by him.

Treasurer shall enter date of receipt of coupons for taxes.

SECTION 21. Nothing herein contained shall be construed to hinder the interposition of such defense to any outstanding bonds or coupons of said act of February 10, 1854, as said town and city, or either of them, may be advised.

Not to hinder defense.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 245.

AN ACT to authorize Alvin N. Bugbee, Alanson M. Thomas, Henry Sines, D. H. Forbes and J. G. Clark, to erect and maintain a dam across a fork of the north branch of Wood river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build and
maintain dam.

SECTION 1. Alvin N. Bugbee, Alanson M. Thomas, Henry Sines, D. H. Forbes, J. G. Clark and John Clark, their heirs and assignees, are hereby authorized and empowered to erect, keep up and maintain a dam across a fork of the north branch of Wood river on the northwest quarter of the northeast quarter, section thirty-three (33), town thirty-nine (39) north, range eighteen (18) west, in the county of Burnett, for the purpose of flowing a cranberry marsh adjacent thereto, and for such other purposes as may be necessary in in the operation of said marsh.

Not to flow
lands belonging
to other parties.

SECTION 2. Said dam may be of a sufficient height to give a head of water not to exceed five feet at the point where the same is located: *provided*, nothing in this act shall be so construed as to authorize said parties or either of them, or their successors or either of them, to flow any lands of the state or of any individual other than those named herein, or any highway, without making compensation therefor, as now provided by law in relation to mills and mill-dams.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 246.

[Published March 27, 1873.]

AN ACT relating to railroads, and amendatory of section ten of chapter one hundred and nineteen of the general laws of 1872, entitled an act in relation to railroads and the organization of railroad companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section ten of chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies," is hereby amended so as to read as follows: Section 10. As often as any contractor for the construction of any part of a railroad which is in progress of construction, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, either for manual or team labor or both, including team and driver, such laborer may give notice of such indebtedness to said company in the manner herein provided; and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said company therefor. Such notice shall be given by said laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing and shall state the amount and the number of days' labor, and the time when the same was performed for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by said company having charge of the section of road on which such labor was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent, with some person of suitable age. But no action shall be maintained against any company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by said laborer, as above provided: *provided*, that nothing in this act contained shall be construed to extend to or affect in any manner, any actions now pending in this state.

Amended—
how laborer on
railroad may
enforce collec-
tion of his
wages.

How notice of
indebtedness to
be given and
served.

Must be com-
menced within
thirty days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 247.

[Published March 27, 1873.]

AN ACT to repeal chapter three hundred and seventy, general laws of 1860, entitled an act requiring publication of notice of proposed special or local legislation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter three hundred and seventy of the general laws of 1860, entitled "an act requiring publication of notice of proposed special or local legislation," is hereby repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 248.

[Published March 25, 1873.]

AN ACT to amend chapter one hundred and fifteen of the general laws of 1869, entitled "an act in relation to the courts of the county Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
judges may ap-
point criers—
duties and com-
pensation of the
crier.

SECTION 1. Section one of chapter one hundred and fifteen of the general laws of 1869, entitled "an act in relation to the courts of the county of Milwaukee," is hereby amended so as to read as follows: Section 1. The judge of the circuit court and municipal courts, respectively, of the county of Milwaukee, are hereby authorized to appoint, each for his own court, a crier, whose duty it shall be to open and adjourn court, to assist in preserving order in court, and to act as messenger of the judge of said court, who shall hold his office during the pleasure of the judge appointing him, and shall receive for his services four dollars per diem during his actual attendance in court, to be paid out of the county treasury of the county of Milwaukee: *provided*, that such crier shall receive no compensation as deputy sheriff, nor for services in

more than one court, and not to exceed eight hundred dollars in the aggregate during any one year.

SECTION 2. Section two of said chapter is hereby amended so as to read as follows: Section 2. The sheriff of Milwaukee county is hereby required to keep in attendance upon each of said courts during the session thereof as many deputy sheriffs as the judge of said court shall require and no more, and each deputy sheriff in actual attendance upon said courts shall receive for such, and for actual attendance only, four dollars per diem, to be paid out of the county treasury of said county: *provided*, that no more than nine deputy sheriffs shall draw compensation under this act for services rendered upon any one day, and that when any deputy sheriff shall have drawn eight hundred dollars for services rendered during the current year, his compensation shall cease, notwithstanding that he shall be required to service [serve] to the end of the current year; *and provided further*, that neither crier nor deputy sheriff shall receive compensation for any day when the court shall not have been in session, doing business; *and provided further*, that when any deputy sheriff or crier of the court shall have drawn the sum of seven hundred dollars, he shall draw no more until the end of the current year.

Amended—
sheriff shall
keep deputies
in attendance
upon court.

The number
and compensa-
tion limited.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 249.

[Published March 27, 1873.]

AN ACT to amend chapter one hundred and forty-one, general laws of 1872, entitled "an act to amend chapter fifty-five of the general laws of 1871, entitled an act to amend section twenty of chapter one hundred and forty-one of the revised statutes, entitled 'actions for the recovery of real property,' approved March 25, 1872."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and forty-one of the general laws of 1872, is hereby amended so as to read as follows: The court in which any judgment for the recovery of any specific real property or the

Amended—
judgment to be
vacated upon
application and
payment of
costs.

Shall file undertaking before new trial is granted.

Time suit is in supreme court of this state or of the United States, not to be included.

possession thereof has been or shall be within one year thereafter, of the party against whom the same heirs and assigns, and upon payment covered thereby, shall vacate such a new trial in such cause: *provided* before any such new trial shall be parties applying for such new trial taking in such sum as the court shall and sufficient surety or sureties, with their oath their responsibility in upon arrest, conditioned to pay all including the mesne profits then against such party or parties upon tion of the case; *and provided* cause shall, within one year after a have been taken to the supreme court writ of error, the time during which ing and remaining in the supreme court cluded from and be no part of the application to vacate such judgment trial shall be made as aforesaid; *and* that if the judgment of the circuit in the supreme court of the state or of error, and such cause be or have supreme court of the United States of error, the time during which said and remaining in said supreme court States shall be excluded from and year within which application to vacate and grant a new trial shall be made more than one new trial shall be. section.

SECTION 2. This act shall take effect its passage and publication.

Approved March 19, 1873.

CHAPTER 250.

[Published March 29, 1873.]

AN ACT in relation to claims against the county of St. Croix for invalid tax certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any case where the county of St. Croix, by its agents or officers, has sold or assigned, or shall hereafter sell or assign any tax certificates at less than the face value thereof, with accrued interest, and any such tax certificate shall be claimed by the owner or holder thereof to be invalid, it shall not be lawful for the owner or holder thereof to present a claim against the county for a greater amount than was paid to said county for the tax certificate, with seven per cent. interest thereon, and no officer or agent of said county shall pay to the holder of such a certificate a greater amount for the same than is provided for in this section.

Holder of tax certificates not to collect greater amount than was paid for the same.

SECTION 2. In case any claims shall be presented against said county for invalid tax claims on lands certified to the state of Wisconsin, as belonging to the Fox and Wisconsin Improvement Company, for tax claims against said lands, sold by said county to C. Y. Denniston and others, it shall be the duty of the circuit judge, on the application of said county, to certify to the supreme court a new and corrected bill of exceptions, in the case of C. Y. Denniston et al., against the "unknown owners," and of the supreme court to grant a new argument of said case, in which the decision of the circuit court, affirming the validity of said tax claims, was reversed, and the county of St. Croix shall be permitted to appear by attorney in all such proceedings.

Circuit judge to certify new and corrected bill of exceptions.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 251.

[Published March 25, 1873.]

AN ACT to authorize the city of Milwaukee to readjust, pay or extend the time for payment of certain indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May negotiate with holders of railroad bonds, for settlement.

SECTION 1. The commissioners of the public debt, and the mayor and comptroller of the said city shall have power to negotiate with the holders of the bonds of the said city heretofore actually issued, whether or not legally issued, to the Milwaukee and Superior Railroad Company, and to the Milwaukee and Beloit Railroad Company, respectively, and of the coupons of such bonds for the settlement and surrender of such bonds and coupons, or any or either of them, on the best attainable terms in each case, and to make agreements with such holders for such settlement and surrender, and for that purpose, to employ any agent or agents in the premises to act by or under their authority and direction, and to take such other steps and proceedings as they shall deem convenient or necessary in the premises, for the settlement and surrender of such bonds and coupons.

May issue bonds of the city to carry out the terms of the settlement.

SECTION 2. Authority is hereby granted to the said city for the purpose mentioned in the last preceding section, in addition to all the power and resources of the said city now existing, to issue the bonds of said city provided for by section fifteen of chapter eighty-seven of the general laws of the year 1861, entitled "an act to enable the city of Milwaukee to readjust its corporate debt," approved March 19, 1861, and all the provisions of that act for the payment of principal and interest of bonds to be issued under it, shall apply to the bonds hereby authorized to be issued, when the same shall have been issued: *provided, however*, that the principal of the bonded debt of the said city, including the bonds already issued under the act last mentioned, and the water bonds of the said city, issued and authorized by law to be issued, and the general city bonds issued, and the bonds hereby authorized shall not, together, exceed five per centum on the assessment roll of the said city as provided by section ten of chapter one hundred and six of the private and local laws of the year 1871.

Limit of amount of bonds.

SECTION 3. Authority is hereby also granted to the common council of the said city, for the purpose mentioned in this act, and in addition to or instead of the bonds mentioned in the last preceding section, to authorize by ordinance the issue of certificates or scrip in such amounts as may be convenient or necessary, not exceeding in the whole two hundred and fifty thousand dollars (\$250,000), and whereof a sum not exceeding fifty thousand dollars (\$50,000) shall be payable on each first day of February in the years 1874, 1875, 1876, 1877 and 1878. Such certificates or scrip shall bear such rate of interest not exceeding seven per cent. per annum as the said common council shall from time to time determine, and the interest shall be payable annually, on each first day of February as aforesaid. All the provisions of chapter eighty-seven of the general laws of the year 1861, for the payment of the principal and interest of the bonds thereby authorized, shall apply to the certificates or scrip hereby authorized, so far as the same shall be applicable. Such certificates or scrip shall be signed by the commissioners of the public debt and countersigned by the comptroller of the said city; and it shall be the duty of the common council of the said city, at the time of levying taxes in each preceding year to levy a tax sufficient to pay the principal and interest of such certificates or scrip, payable on the first day of February next following.

May authorize the issue of certificates or scrip.

The rate of interest limited.

How interest and principal to be paid.

How to be executed.

SECTION 4. The commissioners of the public debt, and the mayor and comptroller of the said city, shall have power to negotiate with all persons interested, for the compromise, settlement and release of all securities of every kind and description held by the said city, as collateral security or otherwise to indemnify or secure it for the issue of the bonds mentioned in this act, or any or either of them, or against liability under such bonds, or any or either of them, or which the railroad companies mentioned in this act, or either of them or the officers or agents of the said railroad companies or either of them, or any other persons acting for the said railroad companies, or either of them, made, executed or delivered to the said city or any of its officers as collateral security or otherwise, to indemnify, or secure the said city for the issue of the bonds last mentioned, or any or either of them, on the best attainable terms in each case, and to make agreements with such persons so interested for the compromise, settlement or release of all such securities or any of them.

May negotiate for the release of all securities held as collateral.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 252.

AN ACT to authorize Aaron M. Chase to build and maintain two dams upon the Totogatic river, and to charge tolls upon logs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build and maintain dam in township 43.

SECTION 1. That Aaron M. Chase and his assigns be and are hereby authorized and empowered to build and maintain a logging dam across the Totogatic river in township number forty-three (43), range eight (8), and to charge, collect, sue for and recover tolls for the use of the waters collected by said dam, the sum of five cents per thousand feet upon all logs hauled into said river above or east of the line between ranges nine (9) and ten (10).

May build and maintain dam in township 42.

SECTION 2. That said Aaron M. Chase is hereby authorized to build and maintain a dam across the Totogatic river in township number forty-two (42), of range twelve (12), and to charge, collect, sue for and recover tolls for the use of the waters collected by said dam, the sum of five cents per thousand feet upon all logs hauled into and driven down into the Totogatic river.

The privileges and restrictions

SECTION 3. That said dams shall be maintained and kept under the same rules, rights, privileges and restrictions as are or may be prescribed for the maintenance of the dams of the St. Croix Dam Company's dams, so far as the same may apply to the dams authorized by this act.

Tolls to be a lien.

SECTION 4. That the tolls authorized by this act shall be a lien upon the logs subject to the same, which lien may be enforced in the same manner which other liens upon logs are enforced under the general laws of Wisconsin.

SECTION 5. This act shall be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 258.

[Published April 1, 1878.]

AN ACT to provide for the drainage of certain lands in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the drainage fund now accrued and hereafter accruing to the county of Brown shall, when paid over by the state treasurer, be retained in the county treasury of said county in a separate fund, to be called "the county drainage fund;" the said fund shall be appropriated solely to the purpose of draining the three principal swamps in said county, to wit:

Drainage fund to be paid over to state treasurer and how appropriated.

First. The swamp adjacent to the boundary line between the towns of Scott and Humbolt.

Second. The swamp embraced or partly embraced within the limits of the towns of Holland and Morrison.

Third. A certain swamp lying in the town of Suamico.

SECTION 2. The county superintendent of highways shall, as soon as may be after the passage of this act, make an examination of said swamps and report to the county board of said county, filing such report in the office of the county clerk on or before the first day of August, A. D. 1878, and stating therein what in his opinion will be the cost of constructing such main ditch through each of said swamps as shall be most necessary for the drainage thereof, specifying also the extent and dimensions and course of such ditch, and for such service shall receive due compensation from said fund.

Superintendent of highways to examine and report cost of draining swamps.

SECTION 3. The county board of supervisors shall, at their first meeting held subsequently to the filing of said report, proceed to take such steps as they deem suitable for letting contracts for constructing said ditches, to the lowest and best bidder, and upon certificate from the county superintendent of highways that the work is duly completed, orders shall be drawn for the payment of the contractor or contractors from said fund.

County board shall let contract for draining.

SECTION 4. In case the amount of the county drainage fund, for any one year, shall be insufficient to construct more than one of said ditches, then the board

If fund is insufficient, only one ditch shall be contracted for at a time.

shall order and contract for [work] to be carried on upon only one of said ditches until the same shall be completed, and shall thus proceed from year to year, or from time to time, until the three ditches shall have been constructed, and shall proceed in the order designated in the first section of this act. The contracts heretofore mentioned shall be executed by the chairman of the county board of supervisors on behalf of the county.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 254.

[Published March 29, 1873.]

AN ACT to repeal chapter nineteen of the general laws of 1871, entitled "an act to amend an act to provide for a system of county highways in Brown county, and for the adoption of such system by other counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter nineteen of the general laws of 1871, entitled "an act to amend chapter one hundred and seventeen of the general laws of 1869, entitled 'an act to provide for a system of county highways in Brown county, and for the adoption of such system by other counties,'" is hereby repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 255.

[Published March 27, 1878.]

AN ACT to amend section sixteen, chapter thirty-five of the revised statutes, entitled of license moneys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All moneys hereafter derived from licenses granted in the several towns, cities and villages of Green and Green Lake counties, in pursuance of chapter thirty-five of the revised statutes, shall, when paid into the treasuries of the several towns, cities and villages of said counties where such licenses are granted, be held and disposed of in the same manner as the general town, city and village funds are now disposed of by law, any law to the contrary notwithstanding.

How license moneys in Green and Green Lake counties to be disposed of.

SECTION 2. This act shall take effect and be in force on and after its passage.

Approved March 19, 1878.

CHAPTER 256.

AN ACT to amend chapter forty-five of the private and local laws of 1871, entitled "an act to incorporate the Wausau Boom Company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen of chapter forty-five of the private and local laws of 1871, is hereby amended so as to read as follows: Section 15. The stockholders of said company shall have no preference over any other persons in the storage of their logs and timber in said boom, and all prize or unmarked logs that may come into said booms shall belong to said company, and shall be sold at public auction in the month of April in each year, after giving ten days' notice thereof, in a newspaper published in said county, and the proceeds thereof shall be paid to the treasurer of said company upon demand, at the end of each month.

Amended—stockholders not to have preference in storage of logs.

Proceeds of all sales to be paid into the treasury of the company.

Said logs to be scaled at the lower dividing boom by the scaler, for the purpose of ascertaining the amount due.

Repealed.

SECTION 2. Sections seventeen, twenty, twenty-one and twenty-two of said chapter forty-five are hereby repealed.

Amended—
shall have right
to use sloughs.

SECTION 3. Section twenty-three of said chapter forty-five is hereby amended so as to read as follows: Section 23. Said company shall, at all times, have the right to use the slough between the foot of the said McIndoe's island and the head of Clark's island in said river in said section twenty-six, for the purpose of running logs through the same to the guard lock.

How piers and
booms to be
located.

SECTION 4. After the passage of this act, no pier or boom shall be located or constructed by said company less than eighty feet from the shore of said river, at low water mark.

Amended—
capital stock of
the company—
may be increas-
ed.

SECTION 5. Section two of said chapter is hereby amended so as to read as follows: The capital stock of said company shall be twenty-five thousand dollars, in shares of fifty dollars each, and the board of directors shall have power at any time, whenever a majority in value of the stockholders shall deem the same advisable, to increase the said capital stock to any amount not exceeding in the whole one hundred thousand dollars, and said stock shall be made transferable on the books of said company in such manner as the by-laws shall direct.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 257.

[Published April 1, 1873.]

AN ACT to provide for an investigation of the conduct and management of the Mineral Point Railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor to ap-
point commis-
sioner to in-
vestigate man-
agement of Min-
eral Point rail-
road.

SECTION 1. That the governor be, and he is hereby authorized to appoint a commissioner, whose duty it shall be, and who shall have and is hereby given power and authority to fully and thoroughly investigate whether the present owner or owners of the said Mineral Point

Railroad, being also owners of, and controlling large sums of the indebtedness of the people of Iowa county, created to aid in building said road, are using the power and franchises conferred by the charter of said company, and so operating their road as to be extortionate, unaccommodating and oppressive upon said people, to compel them to pay said claims, or to suffer in their general affairs, business and prosperity, under such misuse and abuse of the privileges granted by the state in said charter, and all matters and things connected therewith, or with said railroad.

SECTION 2. The commissioner appointed under the provisions of the first section of this act shall have power, and he is hereby authorized, invested and charged with power to examine, on oath, all the officers, employes and claimants, or owners of said railroad, and all its books, records, documents and papers, and all or any other witnesses he may deem necessary, either in or out of the state, in regard to all matters connected herewith, to send for persons and papers, to issue process to compel their appearance and production, to administer oaths, to appoint a competent clerk, and to do such further acts and things as may be necessary in the premises; and any person or persons who shall refuse to obey the process of said commissioner, or who shall refuse to answer any question pertinent to such investigation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail of the county where he resides, for not more than one year nor less than three months, or by a fine, not more than one thousand dollars nor less than two hundred dollars, or both, in the discretion of the court, the said penalties to be enforced in the circuit courts of the state, on the information of the district attorney of the county where such recusant witness may reside.

Commissioner may examine witnesses, books, records, etc.

Penalty for refusal to testify.

SECTION 3. The said Mineral Point railroad and the people of Iowa county may be represented by attorneys before said commissioner during said investigation. At the request of either of the attorneys, the said commissioner shall give notice of the taking of testimony out of the state on verbal or written interrogatories, according to the practice of the circuit courts of the state in relation to taking testimony out of the state; and any sheriff or deputy sheriff of any county of this state shall serve and return the subpoena and processes which may be issued by the said commissioner under the authority of this act, in the same

The people and company may appear by attorneys,—notice to be given

Who serve subpoena.

manner as he is required to serve similar processes issued from the circuit courts of this state.

Commissioner
shall return
testimony and
make report.

SECTION 4. The said commissioner so to be appointed shall return the testimony that may be taken in regard to said matter, together with a report of his conclusions thereon, to the governor, on or before the next meeting of the legislature: *provided*, this investigation shall in no case be any expense to the state.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 258.

[*Published March 27, 1873.*]

AN ACT to prevent the indecent exposure of person.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bathing in wa-
ters within vil-
lage or city lim-
its punishable.

SECTION 1. Any person or persons who shall be found bathing in any pond or stream of water within the limits of any village, or within eighty rods of any dwelling house or building used as a place of business, or public highway, between the hours of six o'clock in the morning and eight o'clock in the evening, shall be deemed guilty of an indecent exposure of person, and shall be subject to a trial and fine as prescribed in section one, chapter one hundred and thirty six, general laws of 1859.

Shall be ar-
rested.

SECTION 2. It shall be the duty of any sheriff, constable or police officer to arrest any person or persons committing any acts "of indecent exposure of person," and to bring him before a justice of the peace or police justice of the proper county, to be prosecuted and punished as provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 259.

AN ACT to repeal chapter three hundred and thirty-nine of the private and local laws of 1870, amending the charter of the Apple River Log Driving Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three hundred and thirty-nine ^{Repealed.} of the private and local laws of 1870 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 260.

[Published March 25, 1873.]

AN ACT to authorize the common council of the city of Janesville to annually levy and collect taxes, not exceeding seven thousand, five hundred dollars, to defray the current expenses of said city, and such other expenses thereof as are not otherwise especially provided for by law, in lieu of the five thousand dollars which said common council are now authorized by law to annually levy and collect for said purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Janesville are hereby authorized and empowered to annually levy and collect taxes, not exceeding seven thousand, five hundred dollars on the assessed value of the real and personal estate in said city, made taxable by the laws of this state, to defray the current expenses of the city, and such other expenses thereof as are not otherwise especially provided for by law, which taxes shall constitute the general fund of said city, and be in lieu of the five thousand dollars of taxes which the common council of said city are now by law authorized to annually levy and collect for the purposes aforesaid.

Amount of annual tax to be levied for current expenses, etc.

SECTION 2. The common council of the city of Janesville, upon the written recommendation of the board of education of said city, is hereby authorized

Council may levy tax to build school house in fourth ward.]

and empowered, by a vote of a majority of its members, to raise and appropriate money to erect a school house (and if necessary, to purchase a site therefor,) in the fourth ward of said city, and to levy and collect, according to law, upon the taxable property of said city, and at such time or times as said common council shall deem best, such sum or sums of money as shall be necessary for that object.

Board of education may contract for the erection of said building.

SECTION 3. The board of education of said city of Janesville is hereby authorized and required, whenever said council shall appropriate money for the purpose named in the first section of this act, by contract or otherwise, to erect a suitable school house, and furnish the same for the use of said fourth ward, and the moneys raised for that purpose shall be deposited with the treasurer of said city, and be drawn and disbursed by the board of education, in the same manner as now provided in section nine, chapter eight of chapter four hundred and seventy-four of the local laws of Wisconsin for 1866.

Council may borrow money and issue school bonds therefor.

Amount of bonds limited, and where and how payable.

SECTION 4. In case the common council of said city shall deem it expedient or best, the said city of Janesville is hereby authorized and empowered, by a vote of a majority of the members of said council, to borrow money and issue city bonds therefor, with interest coupons attached, in the usual form, signed by the mayor and countersigned by the clerk of said city, and denominated "school bonds," not exceeding five hundred dollars each, nor in the aggregate exceeding the sum of fifteen thousand dollars, and bearing interest not exceeding ten per cent. per annum, and payable annually, the principal payable within ten years from the date of said bonds, at such time and place as said common council shall direct, and the faith of said city is hereby pledged for the payment of said bonds, principal and interest, and the proceeds of the issue of said bonds shall be deposited with the treasurer of said city, to be drawn and disbursed by the board of education, for the purpose and in the manner indicated in the second section of this act.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act (*be and the same*) are hereby superseded and repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

CHAPTER 261.

AN ACT to amend chapter five hundred and eight of the private and local laws of 1868, entitled "an act to incorporate the Wagon Landing Cemetery Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of said chapter five hundred and eight of the private and local laws of 1868, is hereby amended so as to read as follows; Section 7. The secretary or president or either of the trustees of said association may call a meeting by giving three days' notice of the time and place of said meeting. Amended—
may call meeting.

SECTION 2. All elections of officers of said association heretofore held are hereby legalized, the same as though they had been elected as provided in said chapter five hundred and eight, private and local laws of 1868. Legalized.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 262.

AN ACT to amend section four of chapter eighty-seven of the laws of 1873, entitled "an act granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Pepin county, to the opposite shore in the state of Minnesota."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter eighty-seven of the laws of 1873, entitled an act granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Pepin county, to the opposite shore in the state of Minnesota, is hereby amended so as to read as follows: Section 4. The rates charged for crossing at said ferry shall not exceed the following: For each vehicle drawn by two horses, mules or oxen, loaded or unloaded, with or without a Amended.
Rates of ferryage.

When may
charge double
rates.

driver, the sum of seventy-five cents. For cattle, horses or mules, in droves, the sum of fifteen cents each. For each foot passenger, the sum of ten cents. For swine or sheep, in droves, the sum of five cents each. On all freight, merchandize or other property, not in teams, at the rate of twenty-five cents per hundred pounds, when the same is delivered by one person, and does not exceed two hundred pounds; and for any excess of two hundred pounds, at the rate of ten cents per hundred pounds; on all lumber at the rate of fifty cents per thousand feet: *provided, however*, that double the above rates may in all cases be charged between the hours of seven o'clock, P. M., and five o'clock, A. M.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 263.

[Published March 27, 1873.]

AN ACT to prescribe the measure of damages in certain actions for the wrongful cutting of timber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Owner to recover highest market price for timber wrongfully cut on his premises.

Defendant may serve affidavit of cutting timber by mistake, and tender damages.

SECTION 1. In all actions hereafter commenced in any of the courts of this state to recover the possession of logs, timber or lumber wrongfully cut from the lands of the plaintiff, or to recover the value thereof, or damages for such cutting, if the plaintiff shall succeed, he shall, unless possession of such property be restored to him, recover as damages the highest market value of such logs, timber or lumber, in whatsoever place, shape or condition, manufactured or unmanufactured, the same may be between the time of such cutting and the time of the trial of the action, and while it remained in the possession of the party so cutting the same, or any purchaser thereof with knowledge of such wrongful cutting: *provided*, that the defendant may, within ten days after the service of the complaint in such action, serve upon the plaintiff an affidavit that such cutting was done by mistake, and a tender of judgment a sum certain as being the full value of such logs, timber or lumber at the time the same were cut, with interest thereon from the time of such cutting to the date of such

tender, and ten per cent. upon the whole amount as damages, together with the cost of such action to the time of such tender, in full satisfaction for such cutting. If the plaintiff shall accept such tender, judgment for the amount thereof may be entered against the defendant in favor of the plaintiff by the clerk in vacation, upon filing the complaint, and such tender, together with the plaintiff's acceptance of the same. If the plaintiff shall refuse to accept such tender, he shall notify the defendant thereof, and within twenty days from such tender, serve a traverse of the allegations of such affidavit that such cutting was by mistake. Upon the trial of such action such traverse shall be tried separately, or with the other issues in the action as the court shall direct, and for that purpose the court may order the jury to find a special verdict. If it shall be found upon the trial that the amount of the sum certain, for which judgment was so tendered, was equal to the value of such logs, timber or lumber when so cut, and that the cutting was by mistake, judgment shall be entered for the plaintiff for the amount of such tender against the defendant, less the cost of such action since the date of such tender, to be taxed in favor of the defendant. If the jury find that such cutting was by mistake, but that the value of such logs, timber or lumber was greater than the amount so tendered, then judgment shall be entered in favor of the plaintiff for the amount so found, with ten per cent. damages and costs of such action. If such action shall be against several defendants, not alike liable, either or any of such defendants may serve in such tender and subsequent defense, and thereupon the several proceedings and issues shall be had, tried and disposed of separately in the manner hereinbefore provided.

If tender is accepted, judgment may be entered. If refused, shall notify defendant.

How action to be tried.

How judgment to be entered.

How proceed in case of several defendants

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 264.

[Published March 20, 1873.]

AN ACT to provide for paying the chaplain of the senate of 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of fifty dollars to Rev. J. E. Irish, for his services as chaplain to the senate during the session of 1873.

SECTION 2. The secretary of state shall draw his warrant on the treasurer for the aforesaid sum for the purpose stated in section one.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 265.

[Published March 20, 1873.]

AN ACT to legalize the acts of the town officers elected at the annual town meeting for the year 1872, held at Flintville, of the town of Suamico, in the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts of town officers legalized.

SECTION 1. The acts of the town officers elected at the annual town meeting, for the year 1872, held at Flintville, on the 2d day of April, 1872, for the town of Suamico, in the county of Brown, are hereby legalized and declared valid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 266.

[Published March 25, 1873.]

AN ACT to amend subdivision two of section one of chapter ninety-two of the revised statutes, as amended by chapter one hundred and twenty-one of the general laws of 1870, entitled "of real property by descent."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. When an executor or administrator shall be appointed in any other state or foreign country, on the estate of any person not a resident of this state at the time of his or her decease, and no executor or administrator thereon shall be appointed in this state, such foreign executor or administrator, upon filing in the probate of any county in which any mortgage or mortgages, held by the estate of such deceased person, is recorded, an authenticated copy of his appointment, may execute, acknowledge and deliver, as such foreign executor or administrator, deeds of assignment of said mortgage or mortgages, the same as executors and administrators appointed such under the laws of this state may now do. Such instruments shall, in all respects, have and be of the same effect as like instruments executed by executors or administrators appointed such under the laws of this state, and shall, in all respects, in like manner, with such instruments, be entitled to record and be recorded.

How foreign executor may execute deeds of assignment.

Approved March 19, 1873.

CHAPTER 267.

[Published March 27, 1873.]

AN ACT to authorize town supervisors to lay out public highways in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. When any person shall present to the board of supervisors of any town an affidavit satisfying said board that he or she is owner of real estate within said town, which is occupied by some person or persons living thereon, (describing the same), and that said

Supervisors may lay out highway, when right of way cannot be purchased at reasonable price.

real estate is shut out from all public highways by being surrounded on all sides by real estate belonging to other parties, that he or she is unable to purchase from any of said parties the right of way over or through the same to a public highway, or that it cannot be purchased except at an exorbitant price (in which case the minimum price for which the same can be purchased by said applicant shall be stated), the said board of supervisors may, at their discretion, after ten days and within thirty days, proceed to lay out a public highway, of not more than three rods in width, to said real estate, in such place as to them shall seem most proper, and shall assess the damages and advantages to the owner or owners of real estate over or through which the same shall be laid, the amount whereof, when so assessed, shall be paid by the town: *provided*, that the amount of damages so assessed by the supervisors shall in no case exceed the minimum price as stated in the affidavit: *provided, further*, that an appeal may be taken from the assessment of damages and conducted in like manner as appeals from decisions of town supervisors in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue a public highway.

Damages to be paid by the town.

May appeal from assessment of damages.

How notice shall be given.

SECTION 2. Notice of the time and place of meeting to lay out said highway shall be given by said supervisors by posting written or printed notices thereof in three of the most public places in said town, as is now provided by law for laying out public highways.

SECTION 3. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

CHAPTER 268.

[Published March 27, 1873.]

AN ACT to repeal chapter one hundred and fifty-two of general laws of 1872, entitled "an act to authorize the county boards of supervisors in the several counties of this state, to levy a special tax for county road purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and fifty-two of ^{Repealed.} general laws of 1872, entitled "an act to authorize the county boards of supervisors in the several counties of this state, to levy a special tax for county road purposes," is hereby repealed: *provided*, that the provisions of this act shall apply to the county of Vernon only.

SECTION 2. Any moneys heretofore raised under the provisions of chapter one hundred and fifty-two of the general laws of 1872, and not appropriated at the time of the passage of this act, shall revert to the general fund of the several counties in which said moneys remain unappropriated. ^{Moneys not appropriated shall revert to general fund.}

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 269.

[Published March 29, 1873.]

AN ACT to appropriate to G. E. Weiss, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to G. E. ^{Appropriated.} Weiss, out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-eight dollars, in full payment for expenses incurred by him in defending his right to a seat in the assembly, contested by Hiram R. Bond.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 270.

[Published March 29, 1878.]

AN ACT to appropriate to Hiram R. Bond, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated to Hiram R. Bond, out of any money in the treasury not otherwise appropriated, the sum of one hundred and seventy-five dollars and sixty-three cents, in full payment for expenses incurred by him in contesting the election and return to the assembly of Geo. E. Weiss.

SECTION 2. This act shall take effect and be in force on and after its passage.

Approved March 19, 1878.

CHAPTER 271.

[Published March 29, 1878.]

AN ACT to exempt parties to actions in the circuit court for Vernon county, from the operation of certain acts therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Parties to actions shall be exempt from certain provisions.

SECTION 1. That all parties to actions pending or hereafter to be begun in the circuit court for Vernon county, Wisconsin, who are represented by attorneys residing in Vernon county are and shall be exempt from the provisions of chapter ninety-three of the private and local laws of 1866, entitled an act relating to the special terms of the circuit court for the sixth judicial circuit, also from the provisions of chapter three hundred and sixty-eight of the general laws of 1862, entitled an act relating to special terms of the circuit court in the sixth and fifth judicial circuits, and to change the time for holding the general terms in Marquette county, in the third judicial circuit, also from the provisions of chapter thirteen of the general laws of 1872, entitled an act relative to foreclosure of mort-

gages by action, and amendatory of section one of chapter two hundred and forty-three of the general laws of 1862: *provided, however*, that in all cases where such parties are exempt by the provisions of this act from the operation of the acts herein named, all such parties may, by stipulation, waive the provisions of this act and proceed the same as they might do prior to the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 272.

[Published March 27, 1873.]

AN ACT to amend subdivision five of section eleven of chapter one hundred and nineteen of the general laws of 1872, entitled an act in relation to railroads and the organization of railroad companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision five of section eleven of chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies," is hereby amended by adding thereto the following, to-wit: all bridges constructed or hereafter to be constructed by any railroad company across the Fox or Wisconsin rivers shall be constructed or modified according to such plans as shall be approved by the secretary of war, or such engineer as he shall designate, and in case it may be necessary for the interests of navigation or commerce to change or modify any such railroad bridge heretofore constructed, it is hereby made the duty of the railroad company maintaining such bridge to make such reasonable alterations in such bridge as may be directed by the secretary of war, or such engineer as he may designate for that purpose.

Amended—
all railroad
bridges to be
built under di-
rection of sec-
retary of war.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 273.

[Published March 29, 1873.]

AN ACT to amend section one of chapter one hundred and forty-seven of the private and local laws of 1871, entitled "an act for the preservation of fish in the waters of Pike lake, Washington county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter one hundred and forty seven of the private and local laws of 1871, is hereby amended by striking out the words, "first day of December," where they occur in the second line of said section, and inserting in lieu thereof the words, "fifteenth day of November," and also by striking out the words, "first day of May," where they occur in said section, and inserting in lieu thereof the words, "fifteenth day of May."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 274.

[Published March 27, 1873.]

AN ACT to amend chapter sixty-seven of the general laws of 1858, entitled "of cemetery associations and town cemeteries."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May extend
limits of ceme-
tery grounds.

SECTION 1. Whenever it shall be deemed necessary by any cemetery associations organized under any law or charter granted by the legislature of this state to extend the limits of the grounds used by such association for burial purposes, it shall be lawful for the board of directors or trustees of any such association to acquire the title to the lands necessary for such purposes, in the manner hereinafter provided.

Shall apply to
circuit judge
for appointment
of appraisers.

SECTION 2. The board of directors or trustees of any such association shall apply to a judge of the circuit court of the circuit in which the lands owned by them

are situated, describing the lands desired to be taken for cemetery purposes, and requesting the appointment of three disinterested freeholders of the county as commissioners to appraise the value of the lands so described, who shall be sworn to the faithful discharge of the duties imposed upon them as such appraisers.

SECTION 3. The commissioners shall give notice to all persons who claim any interest in the lands which they are required to appraise, by publication thereof once in each week in a newspaper printed in the county in which the lands are situated, for four successive weeks, stating therein a description of the premises to be appraised, and the time when and place where they will meet to make such appraisal, and if any of such owners or persons interested in the premises are known and are residents of the county, a like notice shall be served upon them personally by delivery of a copy thereof or by leaving the same at the place of their residence, with some person of suitable age and discretion, at least ten days before the day appointed for such appraisal.

Appraisers shall give notice of time of appraisal.

SECTION 4. At the time and place appointed for such appraisal, the said commissioners shall hear the proof and allegations of the parties, and may, if necessary, examine the premises, and within ten days thereafter shall make a report in writing, describing particularly the premises, and the price at which they have appraised the same, in which report a majority of said commissioners shall concur. A copy of such report shall be filed in the clerk's office of the circuit court of the county in which the premises are situated, and any person feeling himself aggrieved thereby may, within sixty days after the filing thereof, appeal to the circuit court of such county.

Shall hear proofs, examine premises and make report.

Copy to be filed in clerk's office.

Owner may appeal.

SECTION 5. Such appeal shall be tried by the court, and if the court shall find that the proceedings of the commissioners have not been in conformity with the provisions of this act or that their decision is unjust or unreasonable, the same shall be revised, otherwise it shall be affirmed. In revising such decision, the court shall appoint three commissioners, who shall proceed as above provided to another hearing and determination: *provided*, that any party interested may require that the amount of compensation to be paid by such association as aforesaid shall be determined by a jury.

How appeal to be tried.

May give another hearing.

SECTION 6. The judge may, from time to time, appoint new commissioners to fill vacancies which may occur from any cause, and may allow such fees to be paid by the association as he may deem reasonable,

Judge may appoint new commissioners.

and all costs on appeal shall be as the court may order.

Association to
deposit amount
of award or
judgment with
clerk of court.

SECTION 7. At the expiration of the time allowed for appeal, as provided in this act, or within ten days thereafter, in case none shall be taken, or on the final determination thereof in case an appeal shall be taken from the decision of the commissioners, the association shall deposit with the clerk of the court the full amount awarded, and all costs allowed by the court, said sum of money to be distributed and paid to the parties interested therein under the order of the court; and upon such deposit being made, the title to the lands described in the report of the commissioners shall absolutely vest in the association, and shall be forever devoted exclusively to the burial of the dead: *provided*, that no lands upon which there shall be valuable improvements, or which are in the actual occupation of the owner thereof as a homestead, or as part of an improved farm, nor any lands exceeding in quantity twenty-five acres, shall be taken for the use of any cemetery association, in pursuance of the provisions of this act: *provided*, that this act shall only apply to Brown county.

When depos-
ited, the title
shall vest in as-
sociation.

Approved March 19, 1873.

CHAPTER 276.

AN ACT to authorize Louis E. Torinus to build and maintain a dam across Moose river, in the county of Douglas.

The people of the state Wisconsin, represented in senate and assembly, do enact as follows:

May erect and
maintain dam.

SECTION 1. Louis E. Torinus, his heirs and assigns are hereby authorized to erect and maintain a dam across Moose river, in the county of Douglas, at any point upon section thirty-five (35), of township forty-five (45) north, of range thirteen (13) west, for and during the term of fifteen years from the time this act shall take effect.

Shall be con-
structed for
sluicing logs.

SECTION 2. The said dam shall be properly constructed to sluice, and shall at all times be kept in suitable condition for sluicing logs, lumber or timber, over or through the same, and a sufficient head of water shall be raised and kept up by means of said dam for that purpose whenever required.

SECTION 3. The said dam shall not be closed during the months of July, August and September in each year. When not to be closed.

SECTION 4. The said Louis E. Torinus, his heirs and assigns shall be entitled to demand and receive from all persons using said dam for the purpose of sluicing through or running over the same, the sum of five cents per thousand feet for all logs and lumber or timber so sluiced through or run over said dam or run or driven into said river or its tributaries above said dam, and the said Louis E. Torinus, his heirs and assigns shall have a lien upon all such logs, lumber or timber for such charges until the same are paid, whether he or they shall take or retain possession thereof or not. Charge for sluicing lumber.

SECTION 5. The said Louis E. Torinus, his heirs and assigns shall have at all times the sole and full control of said dam: *provided*, that at all reasonable times, the said Torinus, his heirs and assigns shall, when requested, use the said dam for the purposes mentioned in section four of this act. Shall have full control of dam.

SECTION 6. The dam herein authorized to be constructed shall be, from the time of the commencement thereof, subject to the provisions of chapter fifty-six of the revised statutes of this state, so far as the height thereof and the damages that may be caused thereby are concerned. How height of dam to be determined.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 276.

[Published March 27, 1873.]

AN ACT concerning truant children and absentees from school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each of the cities in this state is hereby authorized and empowered to organize and establish truant schools for the instruction and attendance of habitual truants, wandering about in the streets or public places of any such city, having no lawful occupation or business and not attending school, between the ages Cities may organize truant schools.

of seven and sixteen years; and also to make and enforce all such ordinances, rules and by-laws, respecting such children as shall be deemed most conducive to their welfare and the good order of such city.

Habitual truants between certain ages may be committed to said schools.

SECTION 2. Any child convicted of being an habitual truant, or of wandering about in the streets or public places of any city, having no lawful occupation or business, and not attending school, between the ages of seven and sixteen years, may in the discretion of the justice or court having jurisdiction of the case, be committed to any such truant school, provided for the purpose under the authority of the next preceding section, for such time, not exceeding two years, as such justice or court may determine. And the police authorities, after such conviction and sentence, are authorized and directed to enforce the daily attendance of such children, at the truant school so established: *provided*, they are found wandering in the streets.

May enforce daily attendance.

What officers shall have jurisdiction.

SECTION 3. Such justices of the peace and other judicial officers and courts as have criminal jurisdiction, shall have jurisdiction of all offenses under this act, and under the ordinances and by-laws which may be passed or ordained under the authority thereof.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 277.

[Published March 27, 1873.]

AN ACT to amend section twelve of chapter one hundred and eighty-two of the laws of 1872, entitled "act to authorize municipal corporations to aid in the construction of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—time for railroad companies to fulfill contract with counties, towns or cities, may be extended.

SECTION 1. Section twelve of chapter one hundred and eighty-two of the laws of 1872, entitled "an act to authorize municipal corporations to aid in the construction of railroads," is hereby amended by adding thereto the following: "and in all cases where a county, town, city or village shall have subscribed, or shall hereafter subscribe for stock in aid of any railroad, and shall have limited or shall limit the time

in which the aid shall be earned, it shall be lawful for the proper authorities of such county, town, city or village, upon the application of the railroad company in aid of which such subscription has been or shall be made, in their discretion, to extend the time when such aid shall be earned, not exceeding one year beyond the time so limited:” *provided*, the powers and authority hereby granted and conferred shall not be used or exercised by any county, town, city or village where the aid granted for railroad purposes and stock subscribed for shall exceed the amount of five per cent. of the assessed valuation thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

CHAPTER 278.

[*Published March 27, 1878.*]

AN ACT to authorize incorporated villages to lay out, change and open streets, alleys and public squares within the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The president and trustees of any incorporated village shall have the power to lay out, open, change, extend and widen public squares, grounds, highways, streets and alleys as follows: Whenever six or more freeholders residing in said village shall, by petition, represent to the board of trustees of said village that it is necessary to take certain lands within said village for the public use, for the purpose of laying out, opening, changing, extending or widening public squares, grounds, highways, streets or alleys, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of said lands, if the same shall be known to the petitioners, being stated in said petition, the board of trustees shall thereupon cause notice of such application to be given as follows: If the owner or owners of any portion of said lands are known, and reside in said village, a written or printed notice shall be served upon such owner or owners personally; if such owner or owners are not known, or being known,

Village authorities may lay out, change and open streets, on petition of freeholders.

How notice to be given to residents and non-residents.

do not reside in said village, said notice shall be given by publishing the same, at least once in each week for three successive weeks in a newspaper published in said village, and in case any one is in the actual occupancy of said lands, such notice shall be served upon such occupant or occupants personally.

What notice
shall contain.

SECTION 2. Such notice shall contain a plain and concise description of the public square, grounds, highways, streets or alleys designed to be laid out, opened, changed, extended or widened, and of the lands proposed to be taken, and shall state that at a certain time and place therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the county court of the county in which said village is situated, or to a justice of the peace in and for said county, and resident in said village, for the appointment of six jurors to view said lands, and to determine if it will be necessary to take the same for the purpose specified in said petition, and to assess the damage sustained by the owner or owners of said land, by reason of the taking of the same, in case they shall determine it will be necessary to take such lands for the purpose aforesaid.

Judge shall ap-
point jurors to
view premises,
and report to
trustees.

SECTION 3. Upon the presentation of such application, at the time and place in such notice mentioned, and upon proof of the service or publication of said notice as hereinbefore required, the said judge or justice shall appoint six freeholders and residents of said village, but not interested in the result of such application, and shall thereupon issue his precept directed to said jurors, requiring them, on a day in said precept to be named, not more than ten nor less than five days from the date of said precept, to view said lands proposed to be taken as aforesaid, which lands shall be described in said precept, and report to the board of trustees whether, in their judgment, it is necessary to take said lands for the purpose specified in said application, and also to report to said board the amount of damage sustained by the owner or owners of said lands or of any distinct part thereof, by reason of taking the same as aforesaid.

How judge may
fill vacancies.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting or shall refuse to act, the said judge or justice shall appoint others in their place, and all reasons causing such substitution shall be indorsed on the precept.

SECTION 5. Said jurors, before entering upon the discharge of their duties shall take an oath before some officer authorized to administer oaths, that they are residents and freeholders of said village, and are not interested in the lands to be taken, and that they will faithfully and impartially discharge the trust reposed in them; and shall, at the time mentioned in said precept, proceed in a body to view the lands in question, and shall hear such testimony as may be offered by any party interested, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors shall take oath and proceed to view premises.

SECTION 6. After viewing said lands and hearing such testimony as may be offered as aforesaid, said jurors shall decide whether it is necessary to take said lands for the purpose specified in said application, and in case that they shall decide that it is necessary to take said lands for the purpose aforesaid, they shall also determine and assess the amount of damage which the owner or owners of said lands or of any distinct part thereof will sustain by reason of the taking of the same as aforesaid, which said report and precept shall be filed with the clerk of said village within five days from the day designated in said precept for said jurors to view said lands.

After viewing premises and hearing testimony, shall determine and assess damages.

SECTION 7. Any person whose property said jurors shall decide it is necessary to take as aforesaid, may at any time within ten days from the time said report shall be filed with the village clerk as aforesaid, appeal from said report, and the decision and determination therein contained, determined and amount therein contained, or any part thereof, to the circuit court in and for the county in which said village is situate. Said appeal shall be taken by filing with the clerk of said village, within said ten days, a notice of appeal, stating whether said appeal is from the whole or only a part of said report, and if from a part only, what part, and by also filing at the same time with said clerk a bond in the sum of two hundred and fifty dollars, and signed by two good and sufficient sureties, and conditioned for the payment to said village under its corporate name, of all costs which shall be awarded against said appellant in case said report or the part thereof appealed from shall be sustained.

Any property holder may appeal from report.

Shall file notice of appeal and give undertaking.

SECTION 8. Within ten days after filing said notice of appeal and bond, the clerk of said village shall make out two copies of all the papers and proceedings on file in his office relating to the matter appealed from, and shall attach thereto his certificate to the effect that he has compared the same with the originals, and that they

Village clerk to make out two copies of papers and proceedings.

How appeal
tried.

What verdict of
jury shall be.

Copy of judg-
ment to be filed
with village
clerk.

When the
board of trus-
tees may de-
clare street
opened.

are correct transcripts therefrom, and of all the papers and proceedings on file in his office relating to the matter appealed from, and shall file the same with the clerk of said circuit court within said ten days; said appeal shall thereupon be heard, tried and disposed of in the circuit court, in the same manner as cases appealed from justices' courts, except that the verdict of the jury shall be, in case they find for the appellant, as follows:

"We find that the report of the jury below should be reversed;" if in case only a part of said report is appealed from, then "we find that that portion of the report of the jury below appealed from should be reversed," and in case they find against the appellant, their verdict shall be as follows: "We find that the report of the jury below should be sustained," or in case only a part of said report is appealed from, then, "we find that that portion of the report of the jury below appealed from should be sustained," and in either case, said verdict shall be signed and returned as in ordinary cases, and judgment shall be entered on said verdict as follows: In case the verdict be for sustaining said report, or the portion thereof appealed from, against said appellant and in favor of said village in its corporate name, to the effect that "said report or the portion thereof appealed from is sustained, and for costs;" and in case said verdict be for reversing said report or the portion thereof appealed from, judgment shall be entered against said village in its corporate name, and in favor of said appellant, to the effect that "said report or the portion thereof appealed from is reversed, and for costs." And as soon as judgment shall have been entered in said circuit court, and the costs taxed and entered in said judgment, the clerk of said court shall transmit and file with the clerk of said village a certified copy of said judgment.

SECTION 9. If said jurors shall decide that it is necessary to take said lands for the purpose aforesaid, and shall determine and assess the amount of damage as aforesaid, and shall make and file their report aforesaid, and there shall have been no appeal from said report as aforesaid, or in case there shall have been an appeal, and said report or the portion appealed from shall have been sustained, the board of trustees, within ten days after the expiration of the time to appeal, where no appeal has been taken, or within ten days after the filing of a certified copy of said judgment with the clerk of said village, in case an appeal shall have been taken, and said report or the portion appealed from shall have been sustained, shall, by reso-

lution to be entered in the minutes of the proceedings of said board, declare said public squares, grounds, highways, streets or alleys, as the case may be, laid out, opened, changed, extended or widened, as the case may be, and that the damages awarded to the owner or owners of said lands, or of any distinct part thereof, by the reason of the taking of said lands, for the purpose aforesaid, are as stated in said report, and shall cause said resolution to be published at least once in each week for three successive weeks in a newspaper published in the county in which said village is situated, and after such publication and the payment or tender of payment by the village, to the parties entitled thereto of the damages awarded to each respectively, or in place of such payment or tender, the deposit in any bank in said village of the amount of said damages to the credit of the parties respectively entitled thereto as aforesaid, said lands shall for all intents and purposes be deemed and considered laid out, opened, changed, extended or widened, and shall be enjoyed as a public square, grounds, highways, streets or alleys, as the case may be, and the said board of trustees may cause fences and other obstructions to be removed therefrom, in the same manner as supervisors of towns are by law authorized to remove fences and other obstructions from highways laid out or altered by them.

Shall cause resolution to be published and deposit damages in bank.

SECTION 10. All taxes raised and collected in any village, either general or special, for any purpose authorized by this act, shall be levied and assessed upon all property, real and personal, within the corporate limits of said village which is by any general law of this state subject to taxation for general purposes, or to special assessments for local improvements within cities or incorporated villages.

How taxes authorized by this act to be levied.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 279.

[Published March 29, 1878.]

AN ACT to provide for laying out and establishing a state road from Kickapoo Centre, Vernon county, to Marshall, Richland county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointed commissioners to lay out state road.

SECTION 1. Philip M. Smith, F. G. Lawton and A. C. Cushman, of the counties aforesaid, are hereby appointed commissioners to lay out and establish a state road, commencing at some point to be designated by said commissioners, at some point on the Sextonville and Viroqua state road in the village of Kickapoo Center, Vernon county, running thence on the most feasible and practicable route, via the village of Viola, Richland county, Forest P. O., and terminate at the point where it shall intersect the said Sextonville and Viroqua state road, on section four, town eleven, range one west, Richland county.

Any two may proceed, and their compensation.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service shall be entitled to receive a per diem compensation not to exceed the sum of three dollars per day for time actually spent in such service, to be paid therefor from the counties through which said road shall pass, in proportion to the length of road in each of said counties: *provided*, that no part of said expenses shall be paid from the state treasury.

Commissioners shall file order.

SECTION 3. After said commissioners shall have laid out said road, they shall, within thirty days, file in the office of the county clerk of the counties through which said road is laid, their order laying out such road, with a survey and map of the same, and their award of damages, or the releases of the same.

How damages to be settled.

SECTION 4. The damages sustained by any person through whose land such highway shall be laid may be settled by agreement between the said board of commissioners and such person or owners, and shall be paid by the town in which the same may be located, and the amount so allowed, levied and collected in the same manner as other town charges.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

CHAPTER 280.

[Published March 25, 1873.]

AN ACT in relation to the courts of the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter thirty-seven of ^{Repealed.} the general laws of 1868, entitled "an act to amend chapter three hundred and sixty-two of the general laws of 1860, entitled an act relating to the Milwaukee county courts," (*be and the same*) is hereby repealed; ^{Re-enacted.} and section five of chapter three hundred and sixty-two of the general laws of 1860, entitled "an act relating to the Milwaukee county court," is hereby revived, re-enacted and declared to be of full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 281.

[Published March 21, 1873.]

AN ACT to amend chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of the state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-eight of chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of the state relating to common schools," is hereby amended so as to read as follows: "Section 48. The said district board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the districts for the use of any children; and the said district board shall have power to purchase a record book, in which the proceedings of the meetings of the district and of <sup>Amended—
powers and du-
ties of the dis-
trict board.</sup>

Clerk to include amount of purchases in annual tax.

the district board shall be recorded, and a book for keeping in proper form the treasurer's accounts, together with such blanks and stationery as are necessary for doing the business of the district in an orderly and business-like manner, and such charts, maps, globes and school apparatus as they may deem necessary, not exceeding seventy-five dollars in amount in any one year; and the clerk of such district shall include the amount of such purchases in the next annual tax to be collected in such district; said charts, maps, globes and apparatus shall be such as may have been approved by the superintendent of public instruction, or by the county superintendent of the county in which said district is located as of a character suitable for use in the schools of the state; *and provided further*, that such purchases shall be unanimously approved at a regular meeting of said board, at which all the members thereof shall be present.

Repealed.

SECTION 2. Section six of chapter one hundred and eleven of the general laws of 1867, is hereby repealed.
Approved March 19, 1878.

CHAPTER 282.

[Published March 25, 1878.]

AN ACT to authorize the city of Sheboygan to aid in the construction of a dry dock in the city of Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax to construct dry dock.

SECTION 1. The city of Sheboygan is hereby authorized and empowered, on the conditions hereinafter mentioned, to levy upon the taxable property in said city, a sum not exceeding ten thousand dollars for the purpose of aiding in the construction of a dry dock in the city of Sheboygan.

On petition, council shall give notice of election to vote aid.

SECTION 2. Whenever fifty or more resident tax payers of said city of Sheboygan shall present a petition to the mayor and common council of said city, asking that the question of aiding in the construction of a dry dock in said city may be submitted to a vote of the electors of said city, it shall be the duty of the common council of said city, as soon as possible thereafter, to give notice that, on a day and at a place or

places to be therein specified, a special election will be held, at which the question of aiding in the construction of a dry dock will be submitted to the qualified voters for their determination; said notice shall be published once in each week for three successive weeks next preceding the said day of election, in all the newspapers printed and published in the city of Sheboygan. The common council shall designate in said notice where the polls will be held in each ward, and the said polls shall be held and the said election be conducted in the same manner as charter elections, and the aldermen of each ward shall be inspectors thereof. Every elector of said city, and no other person or persons whatever, shall be entitled to vote at said election. The electors voting at such election, called pursuant to the provisions of this act, shall deposit a ballot upon which shall be written or printed, "for the dry-dock aid," or "against the dry-dock aid," and the same shall be deposited in a box similar to the boxes required to be used at said charter election. False swearing and fraudulent voting at such election shall be punished in the same manner as at other elections for county or state officers.

How election to be conducted.

Form of the ballot.

SECTION 3. The common council, within one week after said election, shall meet and canvass the votes received, or the returns thereof, and the result shall be entered upon the records of the common council.

Canvass of the vote.

SECTION 4. In case a majority of all the votes cast at such election shall be, "for the dry dock aid," then the common council of said city is hereby authorized and empowered to cause a sum not exceeding ten thousand dollars to be assessed, levied and raised in and by the next assessment roll, at the time the next annual tax is levied and raised for the purpose to aid in the construction of said dry dock.

If vote is for aid, council may assess amount prescribed.

SECTION 5. The money or aid assessed, levied and raised by virtue of this act, or any part thereof shall not be paid over to any person or persons, party or parties constructing said dry dock, unless said dry dock is fully completed and ready to receive vessels or ships for repair, and then only on the issue of shares or stock by the person or persons, party or parties having constructed said dry dock, to said city of Sheboygan, equal to the amount of said aid.

Money not to be paid over till dock is fully completed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 288.

AN ACT to declare O'Neil's creek, a tributary of the Chippewa river, a navigable stream, and to authorize the erection of flooding dams thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Declared a navigable stream.

SECTION 1. O'Neil's creek, a tributary of the Chippewa river, in the county of Chippewa, is hereby declared a navigable stream for the purpose of floating timber and logs down said stream to market.

May erect and maintain dams.

SECTION 2. Any owners of lands on said stream, upon which there may be pine or other timber that such owners may desire to cut and float down said streams to market, are hereby authorized and empowered to erect, maintain and use floating dams upon lands owned by them, for the purpose of floating or driving such timber down said stream, or into the Chippewa river.

How provisions to apply.

SECTION 3. The provisions of this act shall not only apply to any person that may own pine timber on said stream, but also to all persons and organizations that now have dams for flooding purposes, or that may hereafter have such dams on O'Neil's creek as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

CHAPTER 284.

AN ACT to amend an act entitled "an act to incorporate the Milwaukee and Northern Railway Company," approved February twenty-fourth, 1870, known as chapter ninety-four of the laws of 1870.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Amended.

SECTION 1. Section ten of chapter ninety-four of the private and local laws of 1870, entitled "an act to incorporate the Milwaukee and Northern Railway Company," approved February twenty-fourth, 1870, is hereby amended by inserting immediately after the words, "this company is authorized to build," where

they occur therein, the words, "or any company now or hereafter existing under the laws of the state of Michigan whose road shall connect with that of the company hereby created, at the state line of said state of Michigan."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 285.

[Published March 27, 1873.]

AN ACT to regulate the sale of mineral oils and other substances for illuminating purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That it shall be unlawful for any person or persons to offer for sale, for illuminating purposes, as agent or otherwise, any mineral or petroleum oil, or any oil, fluid, or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters, or is found as a constituent element, until after he or they have tested the same in the manner following, to wit: By taking not less than half a pint of the oil, fluid or substance to be tested, and placing the same in a small vessel in which there is no other substance, of such dimensions that the surface of the oil, fluid or substance shall not exceed four square inches in area, and placing a Fahrenheit's thermometer in said oil, fluid or substance in said vessel, in such a manner that the thermometer will indicate the temperature of the oil, fluid or substance being tested, which shall then be gradually heated at a rate of not less than two degrees per minute, Fahrenheit, to a temperature at which said oil, fluid or substance will emit a gas or vapor that will ignite by bringing the flame of a lighted match, or other burning taper in contact with the surface of the article being tested, with such frequency, and in such a manner as to ascertain the exact temperature by said thermometer at which said fluid, oil or substance will emit a gas or vapor that will ignite; and if it will emit a gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fah-

Unlawful to sell illuminating oils that have not been tested.

Manner of testing oils described.

renheit, then it is hereby declared to be dangerous, and it shall be unlawful to sell or offer the same for sale.

Penalty for selling oils not tested, or offering the same for sale.

SECTION 2. That any person or persons who shall offer for sale, for illuminating purposes, any oil, fluid or substance mentioned in the first section of this act, until after he or they have tested, or caused the same to be tested, as prescribed in this act, or who shall offer for sale for illuminating purposes, any of said articles that will emit gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fahrenheit, under the test prescribed in this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one hundred dollars, or imprisoned in the jail of the county not exceeding twenty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty for manufacturers, refiners or wholesale dealers, for selling oils not tested.

SECTION 3. That if any person or persons, manufacturer, refiner or wholesale dealer of any oil, fluid or substance mentioned in the first section of this act, as agent or otherwise, shall sell, for illuminating purposes, any oil, fluid or substance mentioned in said section, that will emit a gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fahrenheit, under the test in this act prescribed, he or they shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisonment in the jail of the county not exceeding twenty days, or both, at the discretion of the court trying the case, and shall pay the costs of prosecution.

Penalty for selling in quantities less than one barrel.

SECTION 4. That if any person or persons shall sell for illuminating purposes, and in a quantity less than one barrel at a single sale, any oil, fluid or substance that will emit a gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fahrenheit, under the test prescribed by this act, he or they shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five or more than two hundred dollars, or imprisoned in the jail of the county not exceeding ten days, or both, at the discretion of the court, and shall pay the costs of prosecution.

In case of injury to person or property, the seller to be liable for damages.

SECTION 5. That if any person shall sustain any damage to his property, or injury to his person by reason of a violation of any of the provisions of this act by another person, the person guilty of said violation shall be liable to the person injured for all damages sustained thereby, and in case any person violating the provisions of this act shall, by such violation cause the

death of another, he shall be guilty of manslaughter, and on conviction thereof, shall be punished according to the provisions of the section of the criminal statute defining that crime.

SECTION 6. That any and all contracts made in violation of the provisions of this act are hereby declared to be void, and the vendor may return the oil, fluid or substance purchased, at the expense of the vendor, and recover from the vendor all that he had paid therefor, including all charges for transportation and all other damages resulting directly from said sale.

Contracts in violation of this act to be void.

SECTION 7. This act shall take effect and be in force from and after the first day of May next.

Approved March 19, 1873.

CHAPTER 286.

[Published March 25, 1873.]

AN ACT to amend the charter of the city of Stevens Point relating to license for selling intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision first of section three of sub-chapter four of chapter two hundred and sixty-seven of the private and local laws of 1858, entitled an act to incorporate the city of Stevens Point, is hereby amended by striking out and repealing all of said subdivision first, after the word, "provided," in the eleventh line, as printed in the laws of 1858, and inserting the following: "That the sum to be paid for any such retail license shall not be less than one hundred nor more than three hundred dollars, and that no license shall be granted for less than one year."

Amended—
what amount to
be paid for
licenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 287.

[Published April 1, 1878.]

AN ACT to authorize the board of supervisors of Douglas county to settle and compromise all matters of difference between said county and the Superior and St. Croix Railroad Company.

Preamble.

WHEREAS, The county of Douglas did issue its bonds to the Superior and St. Croix Railroad Company to the amount of three hundred and fifty thousand dollars, to aid in the construction of a part of the line of the railway of said company; and,

WHEREAS, Said company has performed a portion only of the work, on account of which said bonds were issued, and is unable and has failed to complete the road according to its contract with said county; now, therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of supervisors may compromise claims.

SECTION 1. It shall be lawful for the board of supervisors of Douglas county to settle and compromise all matters of difference and all claims and demands on either part, between the said county and the Superior and St. Croix Railroad Company, and for that purpose to provide by agreement with said company for the surrender by the same of the bonds which have heretofore been issued and delivered by said county to said company, except such an amount of said bonds as the said company shall be allowed under such agreement to retain as compensation for all or part of the work so as aforesaid done by said company. And the said board are also authorized in and by such settlement to provide for the surrender to said company of all or any portion of the stock of said company now held and owned by said county, and to make a complete settlement of all claims and demands of either party to such settlement against the other, upon such terms and conditions as the said board shall deem most advantageous to said county, and all bonds of said county which, under such settlement shall be returned and surrendered to said county, shall thereupon and thenceforth be void and of no effect, and shall forthwith be burned under the direction of said board: *provided*, that any settlement made under the provisions of this act, as between said county and said company shall not be

May provide for surrender of stock.

Settlement to be ratified by vote.

valid or binding on said county, unless the same shall be ratified by a vote of the electors of said county voting upon the question of said settlement, as hereinafter provided.

SECTION 2. Whenever the board of supervisors of said county shall have negotiated and concluded any such settlement, which shall have been reduced to writing and signed by the parties thereto, then a duplicate of such settlement in writing shall be filed with the county clerk of said county, and shall be open to the inspection of all persons in said county, and thereafter it shall be lawful for the said board, at any time within one year from and after the passage of this act, by resolution, to order that an election be held in said county, at a time in said resolution to be specified, for the purpose of voting upon the question of such settlement, copies of which resolution shall be posted by the sheriff of said county in five public places in said county, at least one week prior to the time fixed in said resolution for such election, and shall be once prior to that time, published in a newspaper printed in said county. The said resolution so published and posted, shall be deemed due notice of such election, and the same shall be held and conducted at the time fixed by said resolution, and at the place or places where, according to law, any general or special election may be held in said county. Votes cast at such elections in favor of such settlement shall be by ballot, with the words, "in favor of settlement," written or printed thereon; votes against such settlement shall be by ballot, with the words, "against settlement," written or printed thereon.

Shall file duplicate of settlement with county clerk.

May order election to vote upon question of settlement.

Form of ballots

SECTION 3. Such election shall be conducted, and the result thereof canvassed, certified and published in like manner as is provided by law in the case of a special election for the election of a county officer, so far as such provisions may be applicable.

How election to be conducted.

SECTION 4. This act shall take effect and be in force from and after its passage and shall continue for one year only.

Approved March 19, 1873.

CHAPTER 288.

[Published March 25, 1878.]

AN ACT to legalize the returns of William Morris.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Returns legalized.

SECTION 1. The returns for the year 1872, made to the county clerk of Juneau county by William Morris, acting treasurer of the village of New Lisbon, are hereby declared to be legal and of the same force and effect as if they had been made in due form by J. P. McKinstry.

SECTION 2. This act shall take effect and be in force after its publication.

Approved March 19, 1878.

CHAPTER 289.

[Published March 27, 1878.]

AN ACT to amend chapter one hundred and eighty-two of the general laws of 1872, entitled "an act to authorize municipal corporations to aid in the construction of railroads."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :*Amended—
clerks shall
publish notice
of election to
vote aid.

SECTION 1. Subdivision first of section five of chapter one hundred and eighty-two of the general laws of 1872, is hereby amended so as to read as follows: 1st. Upon receiving such propositions together with a petition signed by at least twelve resident freeholders, the county clerk of such county, the town clerk of such town, or the clerk of such incorporated city or village, as the case may be, shall, when deemed proper by the supervisors of such county or town, or the trustees or council of such city or village, immediately publish a notice of an election to be held by the legal voters of such county, town, or incorporated city or village, at the usual place or places of holding elections therein, and at such time as such clerk may designate, not less than thirty nor more than sixty

days from the date of such notice, which notice shall contain a substantial statement of the propositions made by said railroad company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot upon which shall be written or printed, "for the railroad proposition," or the words, "against the railroad proposition;" and such notice shall be posted in three public places in each election precinct in the district in which aid is desired, at least twenty days before the day of such election, and shall also be published at least three times before such election in one newspaper in such city, village or town, if any be published therein; and if none be published therein, then in some newspaper in the county; and if the aid is asked of a county, in all the newspapers published therein; and if no newspaper be published in such city, village, town or county, then such notice shall be published in a newspaper published at the nearest place thereto in which one is published.

Form of ballot.

SECTION 2. Section six of said chapter is hereby amended by adding thereto at the end thereof the following words: And whenever a county, town, incorporated city or village, by virtue of the provisions of any law of this state, shall have voted and agreed to aid in the construction of a railroad by subscription to its stock and the issue of bonds in payment thereof, and the county, town, city or village shall have subscribed on the capital stock subscription book of the company in conformity thereto for the amount so voted in aid of the construction of the road, and the railroad company relying thereupon, shall have in good faith performed and carried out its part of the agreement, and shall have constructed the same as agreed upon, no defects or irregularities in any of the proceedings preliminary to such election shall invalidate such agreement, and the subscription to the capital stock by said county, town, incorporated city or village shall be conclusive evidence of the regularity of all proceedings and the validity of the contract so entered into.

Amended—
if aid has been
voted, no in-
formality in
proceedings to
invalidate
agreement.

SECTION 3. Another mode of arriving at such mutual agreement as is specified in the act of which this act is amendatory, shall be as follows:

Another
mode—compa-
ny may make
proposition for
tax payers to
sign.

1st. Within three months after the filing of any such proposition as is specified in the fourth section of the act of which this act is amendatory, with any county clerk, town clerk, or clerk of any city or village, as the case may be, the said railroad company shall cause notice to be given as prescribed in the first section of this

act, in three public places in each election precinct in the district in which aid is desired, stating that, after a day named in said notice, which shall be at least five days after its date, a petition to the proper authorities of such county, town, city or village will be presented to the resident tax payers of such county, town, city or village for their signatures, asking such authorities to agree to such proposition; and such petition shall be appended to a substantial copy of said proposition.

If majority of tax payers sign said proposition, the agreement shall be considered as perfected.

2d. If within four months after the filing of such proposition with any such county clerk, town clerk or clerk of any such city or village, as the case may be, the said railroad company shall deliver to such clerk a substantial copy or copies of such proposition, so filed, with such petition to the proper authorities of such county, town, city or village, asking such authorities to agree to such proposition, appended thereto, bearing the signatures of a majority of the persons residing in such county, town, city or village, who were assessed for taxes upon real or personal estate in such county, town, city or village, as the case may be, as shown by the last assessment roll of the district of which aid is desired, which signatures shall be verified by the affidavit of some person witnessing such signatures, then such mutual agreement for the issue of bonds by such municipality, and of stock by such railroad company, as provided in the act of which this act is amendatory, shall be deemed and considered to have been arrived at and perfected, and thereupon such bonds and stock shall be issued and delivered in conformity with the true intent and meaning of such proposition and with the provisions of the act of which this is amendatory.

Shall be applicable to any bonds.

SECTION 4. All the provisions of the act of which this act is amendatory, so far as the same are pertinent, shall be applicable to any bonds to which any railroad company may be entitled by virtue of the provisions of this act, and to all stock to which any municipality may be entitled by virtue of the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 290.

[Published March 28, 1873.]

AN ACT to codify and revise the laws relating to the public printing; and the publication and distribution of statutes and other public documents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, secretary of state and attorney-general are hereby constituted a board of commissioners for letting contracts for the public printing, as hereafter provided. Board of commissioners.

SECTION 2. It shall be the duty of said board, immediately after the first day of June, 1874, and biennially thereafter, to advertise in ten different newspapers in different sections of the state, for the term of six weeks, for sealed proposals for doing, at the seat of government, all printing and binding authorized or required by the legislature for its use, or for the use of the state in all the several departments thereof, including all blanks, blank books, circulars and every other kind of printing or binding, for the office of the executive, school land commissioners, secretary of state, treasurer, attorney-general, superintendent of public instruction, supreme court, military, and every other department of state, or in any manner pertaining to them, or any of them, or for any other purpose when duly authorized by law, and all printing or binding of whatsoever kind or description, for which the state may be liable to pay. They shall advertise biennially for bids for public printing.

SECTION 3. The advertisement mentioned in the preceding section shall contain the maximum list of prices established by law, the necessary forms for bids, the certificate of the state treasurer and written agreement, and the guaranty mentioned in section seven of this act, the time when and the place where the bids will be opened, and all other information which they may deem necessary. Shall contain list of maximum prices.

SECTION 4. The following prices for printing and binding, and furnishing materials to be used in the public printing of this state, are hereby established as maximum prices for doing said work and furnishing said materials: The maximum prices.

COMPOSITION, PER 1,000 EMS.		The schedule.
Plain.....	\$0 50	
Figure work.....	75	
Rule and figure work.....	1 00	

PRESS W

Per token.....

PAPER PERBook, 24 by 38 inches, weight not l
reamPrint, 24 by 38 inches, weight not le
ream

For bill work, fools cap size.....

Calendered book paper, weight not, les
ream**FOLDING.**

Per 100 sections of sixteen pages.....

STITCHING, TRIMMING AND COV

Per 100 copies.....

BINDING, PER VOL

In paste board, 16mo or 12mo.....

In cloth, 16mo or 12mo.....

In sheepskin, 16mo or 12mo.....

In calf-skin, 16mo or 12mo.....

In Turkey morocco, 16mo or 12mo.....

Flat cap or cap, half-binding, sheep back

Flat cap or cap, Russia ends and bands..

Medium or folio post, half-binding, sheep

Medium or folio post, full sheep.....

Medium or folio post, Russia ends and ba

Medium or folio post, extra Russia ends a

Medium or folio post, full Russia.....

BLANK BOOKS PER QUIRE, INCLUDING RUL

Flat cap, half-binding, sheep back.....

Flat cap, full sheep.....

Flat cap, Russia ends and bands.....

Flat cap, extra Russia ends and bands.....

Folio post, half-binding, sheep back.....

Folio post, Russia ends and bands.....

Medium, half binding, sheep back.....

Medium, Russia ends and bands.....

Medium, extra Russia ends and bands....

Medium, full Russia.....

Super royal, Russia ends and bands.....

Super royal, extra Russia ends and bands....

Super royal, full Russia.....

Paging, extra, per volume.....

Indexing, extra, per quire.....

BLANKS, PER QUIRE.

Note paper.....

Letter or fools cap.....

Flat cap.....

Folio post.....

Medium.....

Bond paper.....

Ruling, extra.....

Stitching and covering, extra, per one hundred cop

Indexing, extra, per copy.....

Printing envelopes, labels, etc., in quantities less tha
per hundred.....

Over 1,000, per hundred.....

A token is 240 impressions upon one side of 240 distinct sheets of paper, or 240 impressions on both sides of 120 sheets.

What is a token.

SECTION 5. Previous to advertising for proposals for doing the public printing, said commissioners shall provide suitable specimens of the various styles and descriptions of printing and binding now in use in this state, which shall be properly labelled and kept in the office of the secretary of state for the inspection of bidders, and shall at all times be standard criterions for the style in which the work shall be done, as well as for the quality of the materials to be furnished by the contractor.

Commissioners shall provide specimens.

SECTION 6. The contract shall be let to the person who shall bid to execute all the printing and binding, and furnish all materials required, as contemplated by section two of this act, at the greatest per centum of discount from the maximum prices established by law, such per centum of discount to be uniform on every item of work or material. In case any labor is performed, or materials furnished, by the public printer, the price of which is not fixed by law, the regular trade prices shall be allowed, after deducting such per centum as, by the provisions of the contract, is to be deducted from such maximum prices.

Contract to be let to lowest bidder.

When trade prices allowed.

SECTION 7. Every bid for the public printing shall be in writing, sealed, and shall have endorsed thereon the words, "proposals for the state printing," and shall be deposited in the office of the secretary of state. No bid shall be considered by said commissioners unless accompanied by a certificate from the state treasurer showing that the bidder has deposited with him one thousand dollars in money or United States bonds, and a written agreement, executed by such bidder, under seal, to the effect that if such bid be accepted, and after being notified thereof, such bidder shall fail to enter into a contract and execute a bond, as required by this act, within the time prescribed by said commissioners, or if such bidder, after executing such contract and bond, shall fail to comply therewith, then, and in either such case, the said one thousand dollars shall become absolutely forfeited to the state, and shall be no part of the penalty or damages which may be recovered upon such contract and bond. If a bid be rejected, the certificate of the state treasurer and such agreement shall be returned to the bidder, otherwise the same shall be retained until such contract and bond be fully complied with. Every bid shall also, in addition to such certificate and agreement, be accom-

How bids shall be made.

Must have certificate of deposit.

Shall execute written guaranty.

Guaranty to be certified.

Commissioners to draw up contract.

Bidder to execute bond.

Forfeiture for failure to execute contract and bond.

panied by a written guaranty or undertaking, signed by two or more responsible resident freeholders, in the sum of five thousand dollars, who shall justify under oath as to their responsibility, to the effect that they undertake that the bidder will, if his bid be accepted, execute the contract and bond as required by law, within such time as may be prescribed by the commissioners. Such guaranty shall be accompanied by a certificate of a judge of a court of record, or clerk of such court, certifying that he is acquainted with the guarantors, and knows them to be men of property, and able to make good their guaranty.

SECTION 8. Within ten days after the acceptance of a bid, and notification thereof to the bidder, said commissioners shall cause to be drawn up a contract, to be entered into by said commissioners on the part of the state and such bidder, fully setting forth the terms and conditions under which the work to be done and materials furnished, as contemplated by this act, shall be executed. Such bidder shall, also, at the same time, execute a bond to the state of Wisconsin, in the penal sum of thirty thousand dollars, with not less than two sureties, who shall be resident freeholders of this state, and who shall justify under oath, that they are worth, over and above all debts and property exempt from execution, an amount equal to the amount named in such bond, conditioned for the faithful performance of all duties required of him by law, and by the terms and conditions of his contract; which bond shall be approved by said commissioners, and shall, together with the contract and all other papers relating thereto, be deposited and safely kept in the office of the secretary of state.

SECTION 9. In case the successful bidder shall fail to enter into contract and execute a bond as required by this act, the one thousand dollars deposited by him with the state treasurer shall be forfeited, and shall at once become the absolute property of the state, and there shall also be forfeited to the state the sum of five thousand dollars, the amount of the penalty of the guaranty or undertaking mentioned in section seven of this act, or, if such bidder or contractor, after such contract and bond are executed, and the work is entered upon under the same, shall, at any time during the term of said contract, refuse or neglect to comply with the provisions of this act relating to the public printing, or the terms and conditions of his contract, he shall, in addition to the one thousand dollars deposited with the state treasurer, forfeit also the

sum of thirty thousand dollars, the penalty of the bond referred to in section eight of this act, and such contractor shall further be liable to the state in damages to the amount of the difference between the cost of the public printing under his contract and the cost of the same under any subsequent contract or contracts made by the commissioners pursuant to the provisions of this act, for the execution of such printing during the remainder of the term of contract of the party so failing. It shall be the duty of said commissioners, in all cases of forfeitures mentioned in this section, to commence and prosecute to final judgment, an action for the recovery thereof, together with the damages and costs, which, when collected, shall be paid into the state treasury.

Shall prosecute
on bond.

SECTION 10. If the successful bidder shall fail to enter into contract and execute the bond required by section eight of this act, said commissioners shall proceed to let the contract to the next best bidder, unless in their opinion the best interests of the state require that new proposals shall be received; in which case, they shall immediately proceed to advertise for new proposals, in the manner prescribed by this act. In case the contractor shall refuse or neglect to execute the work according to law, and the terms of his contract, said commissioners shall declare his contract void and his bond forfeited, and shall proceed forthwith to re-let the public printing in the same manner and under the same restrictions as provided by this act for letting the same in the first instance. Whenever the contract for doing the public printing shall for any reason become void, it shall be the duty of said commissioner to procure all necessary printing and binding to be done, at the seat of government, at the lowest possible terms, until the same may be re-let as provided by law.

If bidder fail,
contract to be
let to next low-
est bidder.

When contract
may be declared
void, and re-let.

SECTION 11. The printing of the two houses of the legislature shall be subject to the order and direction of the two houses thereof, and the printing of the several state departments shall be subject to the order of the respective officers thereof. All orders for printing or binding for the use of any department, or for any purpose whatsoever, except that ordered by the legislature for its use, or that required by law to be done each year, shall be made through the secretary of state. And in no event shall any work ordered be given to, or executed by any one else than the state printer; neither shall any order be given for any work not absolutely needed for the use and convenience, and

By whom print-
ing to be or-
dered.

All work must
be done by state
printer.

in quantities within the actual requirements of the department making the same.

No extra numbers to be printed.

SECTION 12. No extra number of laws, journals, reports or other documents shall be published except by authority of law; nor shall an extra number of copies of any public document, not provided for by law, be published for the use of the legislature, unless the same shall be authorized by joint resolution of the senate and assembly.

Chief clerks to furnish copy to public printer.

SECTION 13. The chief clerk of the house where any joint resolution ordering printing, or any bill has been introduced, shall deliver to the public printer a copy of every such document or other matter ordered printed, by the two houses of the legislature, on the same day such orders are made, and the same shall be printed with the least possible delay; and the chief clerk of each house shall, within ten days after the close of each session, furnish to such printer a correct copy of the journals of their respective houses, together with a copy of all reports made to the same.

How the session laws are to be printed and designated.

SECTION 14. The laws passed at each and every session of the legislature from and after the passage of this act, shall be printed on good book paper, of medium octavo size, on neat small pica type, and shall be designated under one general name of "the laws of Wisconsin," and shall be numbered by the secretary of state in consecutive chapters, as they are received from the governor, without reference to the subject matter of said laws, and shall be printed and bound in one volume, except when the number of pages shall exceed twelve hundred, in which case they shall be bound in two volumes, as nearly equal in size as may be; each volume to be indexed separately, and to be entitled volume one and volume two respectively. Each act, as it is printed, shall be compared by the secretary of state with the original enrolled act, and at the end of the volume or volumes the said secretary of state shall annex his certificate, certifying that he has compared the printed copy with the original enrolled act, and that it appears to be correctly printed.

Shall be compared by secretary of state.

How journals, reports and documents shall be printed.

SECTION 15. The journals of the senate and assembly, and the volume of the message and documents, and all reports and memorials or other public documents required to be printed in pamphlet form by any statute, or by the legislature or any branch thereof, shall be printed on book paper, of medium octavo size, on long primer type, and in as compact order as may be consistent with good workmanship, without unnecessary blank or broken pages. When any of such docu-

ments are covered in paper, the title shall be printed on such cover only; but when the same or any number thereof shall be ordered bound in any other style, all such documents shall contain a title page. The volume of message and documents shall contain no matter which is required to be inserted in the laws or journals; and all such documents as are required to be inserted in such volume, shall follow each other in as compact order as is consistent with good workmanship, without unnecessary blank or broken pages, the printer merely designating, at the head of the first page of each pamphlet, the number and character thereof, with a table of contents in front of the volume, giving the title and number of each document embraced therein. When the number of pages shall exceed twelve hundred, the secretary of state may order the same bound in two volumes, as nearly equal in size as may be, to be numbered volume one and two.

What volume of message and documents to contain.

SECTION 16. All bills, resolutions and memorials printed in bill form for the use of the legislature shall be printed on foolscap paper, on small pica type, each page, except the first or title page, containing not less than twenty-five lines, of the usual length, with at least a pica blank between the lines. No greater space shall be left at the head of the first, or title page, than is required to designate the number and title of the bill, the name of the person or committee introducing the same, the day of the month and year when introduced, the house in which it shall have originated, and any other matter which shall precede the body of the bill.

How bills, resolutions and memorials shall be printed.

SECTION 17. The journals of the senate and assembly, or "daily slips," printed for the use of the legislature while in session, shall be printed in pamphlet form, on good printing paper, of medium octavo size, and folded, without being stitched. The subject matter to be printed in such journals shall correspond in style, as nearly as may be, to the journals of the United States congress. Such journals, together with the work mentioned in the preceding section, shall be delivered to the sergeant-at-arms of each house of the legislature, to be carefully counted, weighed and receipted for by them. Such receipts shall be made in a suitable book to be provided by the state printer for that purpose.

How "daily slips" to be printed.

SECTION 18. Every act of general application and all acts affecting counties, towns, cities, villages and school districts, public roads, highways and bridges, and the taxes to be raised therein or therefor, and all acts for the preservation of fish or of game, shall, be-

What acts shall be published in official state paper.

Private acts not
to be published.

fore they shall take effect, be published in the official state paper, and such publication shall be made immediately after the passage and approval of the said acts; the said publication to be under the direction and supervision of the secretary of state. All acts affecting only individuals, private corporations and societies, shall take effect without such publication, unless it shall be especially provided in such acts that they shall be published before they shall take effect, and their publication in the official paper, in such case, shall be specially ordered.

Secretary shall
furnish copies
of all laws to
be published.

SECTION 19. The secretary of state shall furnish for the official state paper, copies of all laws required to be published, immediately after their passage, and at the close of every session of the legislature, he shall also furnish for the state printer, copies of all the laws passed at said session, with an index and marginal or head notes thereto attached, together with all the joint resolutions and memorials approved by the governor, and the said state printer shall print the said laws, resolutions and memorials with all possible despatch, but in the publication and printing of the said laws, resolutions and memorials, the signatures of the officers affixed to the enrolled act, resolution or memorial, shall be omitted, and the date of approval only shall be affixed thereto.

Size of printed
pages fixed.

SECTION 20. The laws and journals, messages of the governor, reports of state officers and commissioners of school and university lands, reports of committees of the legislature, and all other documents required by the legislature, or any department of the state, or any other document, the printing of which shall be authorized by law, to be hereafter printed, shall be of uniform size, and every full page of printed matter shall be of the width of four inches and of the length of seven and a quarter inches, so as to admit of their being bound together in a compact form.

Publication of
"copy laws."

SECTION 21. All publishers of weekly newspapers who shall publish in their respective newspapers all of the public acts of general interest, passed at each session of the legislature, which shall be designated by the secretary of state, in the official state paper, as "copy" laws, shall be allowed sixty dollars for such publication, upon filling satisfactory evidence, by affidavit, with the secretary of state, that the same have been published, as provided in this section, for which amount the secretary of state shall draw a warrant upon the general fund of the state treasury in favor of each of such publishers.

SECTION 22. The secretary of state, immediately after the publication in the state paper of any of the class of local laws referred to in section eighteen of this act, which are required to be published in the official state paper, shall furnish a copy thereof to the publisher of the newspaper published at a place nearest the point to which the subject matter or any such law relates. Where more than one paper is published in the same place, the secretary of state shall select the paper in which such publication shall be made. All such publications shall be made in the English language.

Publication of laws in local papers.

SECTION 23. All accounts for the public printing, and all other work and advertising authorized by this act, shall be audited by the secretary of state; and he shall draw his warrant for the same, which shall be paid by the state treasurer out of the general fund.

By whom all accounts to be audited.

SECTION 24. All such accounts shall be verified by the affidavit of the claimant or his agent; and if the work is done by order of the legislature, or by a general law requiring it to be done each year, such account shall be accompanied by a receipt of the superintendent of public property, certifying that such work is received, counted, examined and found to correspond with such order, or in accordance with the requirements of the law authorizing the same.

How accounts to be verified and certified.

SECTION 25. Accounts for printing, or for any work done pursuant to the provisions of this act, other than that contemplated by the preceding sections, for the use of any department, or for any purpose whatsoever, shall be accompanied by a sample of the work done, and by the receipt of the officer or person for whom the same was ordered, certifying that the work is received and counted, and found to correspond with the order for the same.

Printing to be receipted for, and sample attached.

SECTION 26. All blanks ordered requiring both sides to be printed, shall be audited and paid for by adding to the maximum price for printing one side, sixty per cent. of such maximum price for printing the other side.

Addition for printing both sides.

SECTION 27. For the purpose of estimating paper in executing the printing of any book, pamphlet or daily slip of less than thirty-two and more than sixteen standard pages, the public printer shall be allowed the same as for a full sheet. If sixteen or less such pages, the same shall be counted as half sheets. To determine the number of sheets contained in any book, pamphlet or daily slip of more than thirty-two such pages, the whole number of pages thereof shall be divided by thirty-two, and any remaining fraction of a

How paper to be estimated.

sheet shall be counted as before provided in this section.

How composition to be computed.

SECTION 28. In computing the composition on pamphlets bound in paper covers, and daily slips, every necessary fraction of a page shall be counted as a full page; but no entire blank page shall be counted. In computing the composition on the laws, journals and other volumes requiring title pages, the blank page on the back of the title page, and such other blank pages throughout the volume, as good workmanship requires, shall be counted.

When more than one charge for composition allowed.

SECTION 29. When any document is printed in pamphlet form, the matter of which is to compose a part of the volumes of laws, journals, or volume of "message and documents," but one charge for composition shall be allowed on matter contained in such pamphlet; but should a second order for extra printing of the same matter be made, after the type shall have been distributed on which the first order may have been executed, such matter may be counted as new composition. No charge for composition on the "daily slips," and other matter required to be embraced in the journals and the message and reports, or other documents, which are to be bound together in the volume of "message and documents" shall be allowed, unless it shall be necessary to reimpose the same, in which case ten per cent. of the price of composition on matter embraced therein shall be allowed.

Per cent. for reimposing.

Committee on printing.

SECTION 30. At the commencement of every session of the legislature there shall be appointed by the respective houses a committee, consisting of two members of the senate and three members of the assembly, which shall constitute the committee on printing.

Their powers.

SECTION 31. The committee on printing shall have power to examine all accounts and other papers on file in the office of the secretary of state, and generally to investigate all matters relating to the printing of the state; and they may report to the legislature by bill or joint resolution, as they shall deem proper.

PRINTING PUBLIC DOCUMENTS.

Printing of the annual reports.

SECTION 32. Within ten days after the annual reports of the several state departments and state institutions shall have been placed in the hands of the governor, and by him revised as provided by law, he shall deliver them to the public printer, who shall immediately proceed to print three thousand copies of each of said reports, excepting that of the state superintendent, of which there shall be printed eight thousand copies.

Eight hundred copies of each of said reports, together with the annual message of the governor to the legislature first to convene after the delivery of said reports, shall be bound into eight hundred volumes, each containing one of each of said reports and the governor's message, and be delivered to the superintendent of public property within one month after the commencement of the legislature.

SECTION 33. Ten thousand copies of the laws passed at each session of the legislature, including the joint resolutions and memorials, shall be printed and bound by the state printer, on good book paper; five hundred copies to be bound in full sheep, and the remainder in half binding with sheep backs, to be distributed as hereinafter provided. The laws of each session shall be printed and delivered within sixty days after the final adjournment of the session of the legislature at which the same were enacted; and whenever there is or may be an extra session, the laws passed at such extra session shall be printed and bound as distinct and separate volumes, and shall be completed and delivered within thirty days after the adjournment of the same; and for each day's delay in the delivery of said laws, or any of them, after the time fixed for the delivery thereof, the said printer shall forfeit ten dollars per day, to be deducted from his bill for said work in settlement made for the same by the secretary of state.

Number of
copies of laws
to be printed.

When shall be
delivered.

SECTION 34. There shall be printed on good book paper, and bound in half binding, with sheep backs, by the state printer, six hundred copies of the journals of each house of the legislature, to be distributed as hereinafter provided.

The journals of
the legislature.

SECTION 35. The supreme court reporter shall, in each year, publish a volume of the decisions of the supreme court, with a brief abstract of the case when necessary, and suitable notes of the points decided in each case. Each of said volumes shall contain at least seven hundred and fifty pages, and be printed and bound in a good, substantial manner and form, and of good material for law books; and the said reporter shall have the copyright of the same. Said reporter shall also cause the plates of all volumes of such reports to be stereotyped, and shall deliver to the state five hundred and fifty copies of each volume hereafter published and stereotyped. There shall be republished from time to time, under the direction and by the approval of the supreme court, all volumes of the reports of the decisions of said court, which shall be out of print, or so nearly so as to make the republication

Supreme court
reports.

Reporter to
have copy
right, shall
stereotype
plates, shall re-
print.

Cost to be paid
by publisher.

thereof, in the opinion of the court, advisable; and such republication shall be edited by such person learned in the law, and resident of this state, as shall be selected or approved by said court, and in such manner and with such reduction of the number of volumes to be furnished the state, as said court shall by its order direct, in no case to exceed five hundred and twenty-five copies. The entire cost of such editing shall be paid by such publisher, and the numbering of the present volumes, and the paging, shall be preserved in such new edition. The plates of all such volumes of reports as shall be republished shall be stereotyped, and of the same style and quality, as to paper and binding, as volume 25 of Wisconsin reports.

Printing of
State Historical
Society reports.

SECTION 36. Two thousand copies of the reports and collections of the State Historical Society of Wisconsin shall be printed by the state printer once in every two years, commencing in the year 1874. Such reports shall be printed on the best quality of book paper, weighing not less than fifty pounds to the ream, and bound in cloth and properly lettered, for the use of the society in effecting its literary exchanges. The matter for such publication shall be subject to the approval of the governor, secretary of state, and the publication committee of the Historical Society, and no volume of such reports shall contain over 500 pages of printed matter. There shall also be printed by the state printer in the year 1873, (as now provided by law,) fifteen hundred copies of the catalogue of the library of the society, on good book paper, weighing not less than fifty pounds to the ream, to be bound in cloth and properly lettered; and the same number of supplementary catalogues shall be published in pamphlet form, stitched and covered, on same quality of paper, not oftener than every two years thereafter, for the use of the society.

Transactions of
the State Agri-
cultural So-
ciety.

SECTION 37. There shall be printed annually by the state printer on the order of the governor, five thousand copies of the transactions of the Wisconsin State Agricultural Society, together with abstracts of the reports of county agricultural societies, and such other matters pertaining to the industry of the state, as shall be deemed most important: *provided*, that the number of printed pages of said volume of transactions shall not exceed five hundred. Said transactions shall be printed on good book paper, and bound in muslin covers, uniform in style with the previous volumes published.

SECTION 38. There shall be printed annually by the state printer, until the legislature shall otherwise order, two thousand copies of the transactions of the State Horticultural Society, together with abstracts of the reports of other horticultural associations of the state, so far as the same may be furnished, also, such necessary engravings of new fruits, system of pruning, and insects injurious to fruit culture, as shall be necessary to properly illustrate the printed matter, the cost of said engravings not to exceed one hundred and fifty dollars in any one year, and the number of printed pages in any volume so published, shall not exceed two hundred. Said transactions shall be printed on good book paper, and bound in muslin covers, uniform in style with the last volume published.

Transactions of the State Horticultural Society.

SECTION 39. The secretary of state shall, in his discretion, as often as seems necessary, cause to be printed in pamphlet form by the state printer, for distribution to county and town officers, a compilation of the laws for the "assessment and collection of taxes," or the laws governing "elections and the registry of electors," with such forms and instructions as he shall think proper, to aid such officers in the performance of their duties.

Printing of assessment and election laws.

SECTION 40. The secretary of state is hereby authorized to audit the account of the reporter of the supreme court at the rate of four dollars and fifty cents per volume, for the reports of the decisions of the supreme court, which he is required to furnish the state, upon his furnishing satisfactory proof that the plates of such volumes have been stereotyped. The publisher of any such new edition of the volumes of supreme court reports, upon furnishing to the secretary of state satisfactory proof of the delivery of such volumes, and that the plates thereof have been stereotyped, shall receive from the state the same price per copy authorized to be paid the reporter of the supreme court for the current volumes of such reports.

Price of supreme court reports.

DISTRIBUTION OF PUBLIC DOCUMENTS.

SECTION 41. All public documents provided for in this act shall be delivered to and receipted for by the superintendent of public property, who shall be the custodian thereof, and distribute the same in the manner provided by law, keeping such records as shall be necessary to show the number, date, and to whom such documents were delivered. All provisions of law requiring such documents to be delivered to and distrib-

How public documents to be distributed.

uted by the secretary of state, shall hereafter be construed to refer to the superintendent of public property.

Congressional
and state libra-
ries to be furn-
ished.

SECTION 42. There shall be annually forwarded to Washington for the use of the congressional library, two volumes of the laws, supreme court reports, legislative journals, reports of departments, and other documents published by authority of the state; also one copy of each of such publication shall be forwarded to the several states and territories which practice like comity with the state of Wisconsin.

State institu-
tions and state
officers.

SECTION 43. There shall be delivered to the several state institutions, State University and Normal schools, and also to each college, incorporated academy and literary institution of this state, having a library of three hundred volumes, upon application being made therefor, one copy each of all documents published by state authority; said documents to be delivered to any person authorized by the president or principal of said institutions to receive them. The several state officers shall be furnished at all times with such documents belonging to the state as may be necessary or convenient for the business of their respective offices.

Shall deposit
copies with
State Library
and State His-
torical Society.

SECTION 44. Twenty-five copies of every public document published by state authority, or purchased for the use of the state, in quantities exceeding one hundred copies, excepting the Legislative Manual, shall be deposited in the state library for the use thereof; and as often as necessary, such number of additional copies of such documents as remain on hand may be furnished the state library, as shall be required to keep the original deposit complete. Thirty bound copies of each of the several publications of this state shall be delivered to the State Historical Society for the purpose of effecting exchanges with other societies and literary institutions.

Reports for the
legislature.

SECTION 45. Twelve hundred copies of each of the annual reports of the state departments, and state institutions shall be delivered to the legislature for the use of the members, at the commencement of the ensuing session after the delivery of said reports, and the remainder shall be delivered to the department or institution making the same.

Distribution
of message and
documents.

SECTION 46. One hundred and fifty copies of the governor's message and accompanying documents shall be delivered to the legislature first to convene after the delivery of said reports, and the remainder shall be retained for distribution as required by law, or directed by subsequent legislatures.

SECTION 47. One copy each of the journals of the ^{of the journals.} senate and assembly shall be delivered to each member of the legislature to which such journals relate.

SECTION 48. The laws passed at each session of the ^{of the laws.} legislature shall, immediately after their publication in volumes, be disposed of as follows:

1st. To each state officer, justices of the supreme court, judges of the United States courts, judges of circuit, county and municipal courts, in this state, and the clerks of said courts, the district attorneys of the United States and this state, the secretary of state of the United States, one copy each.

2d. To the governor of each state and territory of ^{To governors.} the United States, free of expense (if such courtesy be reciprocated), two copies, accompanied with a request that a similar contribution be made to the governor of this state, of the laws of the respective states and territories.

3d. To the register of deeds to each county, a sufficient number of copies of the laws, to be distributed ^{To registers of deeds,} by him to each of the following officers in his county, allowing one for each, viz: Members of the legislature, county clerk, county treasurer, sheriff, coroner, county superintendent of schools, county superintendent of poor, and chairman of the board of supervisors, justices of the peace, and town clerks in each town; and said register of deeds shall retain one copy for his office; but no person who shall hold more than one office shall be entitled to more than one copy.

SECTION 49. The superintendent of public property ^{Distribution of revised statutes.} is hereby authorized to furnish copies of the revised statutes to all officers of the several counties of the state who are entitled to receive the laws of the state, upon the following conditions: Every person applying for a copy of the revised statutes shall furnish the certificate of the county clerk of the county in which the person making the application resides, showing that such person is an officer of such county, entitled by law to receive the session laws of the state, and a statement of the person making such application, giving the facts upon which he claims to be entitled to a copy of such statutes, and upon the receipt of the certificate and statement aforesaid, if it shall satisfactorily appear that the person applying has not been furnished with the revised statutes, or that from any cause other than gross negligence, the copy furnished such person or his predecessor has been lost or destroyed, a copy shall be furnished him without cost to the state.

How copy of laws to be stamped and handed over to successor.

SECTION 50. The copy of the laws delivered to any person, on account of any office held by him, shall have stamped or written thereon the name of the office held by such person, and he shall, when he ceases to hold such office, deliver over to his successor in office all laws received by him as such officer, and take the receipt of his successor therefor, and deposit such receipt, if a town officer, with the town clerk, and if a county officer, with the register of deeds; and any person who shall neglect or refuse to deliver over to his successor in office all laws received by him as aforesaid, shall be liable to such successor, in an action of replevin for the same, or for money had and received to the full amount it shall or would cost him to furnish himself with such laws, and costs of suit, which action shall, on request, be brought and prosecuted by the district attorney of the county; but no person, while he continues to hold any office which would entitle him to such laws, shall be required to return the same as aforesaid.

Registers of deeds to furnish statement, and superintendent of public property to distribute laws.

SECTION 51. The register of deeds in each county, within one month after the adjournment of the legislature in each year, shall forward to the superintendent of public property a statement of the number of officers in his county entitled by law to a copy of the laws of the preceding legislature, and as soon as the same are ready for distribution, the superintendent of public property shall forward to each register, properly packed in boxes, the number of copies of laws required by such statement, including one copy each of the journals of the preceding session, and the message and documents, for each member of the legislature residing in the county, and take a receipt therefor. All expenses for transporting such documents to any county as provided in this section shall be paid out of the county treasury, and it shall be the duty of the register of deeds of each county to deliver such documents to the persons entitled to receive them, and not dispose of them in any other manner.

Shall keep remaining copies for sale.

SECTION 52. The revised statutes, session laws, journals and documents remaining after the distribution provided for by law, shall be safely kept for the use of new counties and towns, as they shall become entitled to receive the same, but the superintendent of public property may sell to any person being a citizen of this state, a copy of each publication printed by the state printer, at the cost price thereof, to be computed by the secretary of state. And it shall be the duty of the superintendent of public property to keep an accurate

account of such sales, and to pay the amount realized therefrom into the state treasury at the end of each quarter.

SECTION 53. The volumes of supreme court reports remaining on hand after the distribution provided for in this chapter shall be delivered to the state librarian, for him to dispose of as provided by law. Supreme Court reports—where deposited.

SECTION 54. The reports of the transactions of the State Historical Society shall be delivered to the secretary of said society. Transactions of State Historical Society.

SECTION 55. The transactions of the State Agricultural Society shall be distributed as follows: One thousand copies to the legislature; one hundred copies to the State Historical Society; one hundred copies to the Academy of Sciences, Arts and Letters; fifty copies to the State Horticultural Society; fifty copies to each district industrial organization embracing two or more counties, and furnishing the State Agricultural Society a report of its proceedings; twenty-five copies to each County Agricultural Society, and the remainder to the State Agricultural Society. Of State Agricultural Society.

SECTION 56. The transactions of the State Horticultural Society shall be distributed as follows: Three copies to each member of the legislature; fifty copies to each county or town horticultural society who shall report its organization, with officers elect, and number of members, with an abstract of its proceedings for publication in said volume, to the secretary of the State Horticultural Society; fifteen copies to each county agricultural society; twenty-five copies to the State Agricultural Society; twenty-five copies to the State Historical Society; fifty copies to the State University, and the remainder to the State Horticultural Society. Of State Horticultural Society.

SECTION 57. In the distribution of books or other packages, when such distribution is directed by law, if such packages are too large, or would cost too much to send by mail, they shall be sent by express, and the accounts for such express charges properly certified to, shall be audited by the secretary of state, and paid from the general fund. How books to be sent.

SECTION 58. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the expenditures authorized by this act. Annual appropriation.

SECTION 59. Chapter six of the revised statutes, chapter three hundred and fifteen of the general laws of 1860, chapter one hundred and eighty-two of the general laws of 1865, chapter sixty of the general laws of Acts repealed.

1870, and all acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 60. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 291.

[Published March 24, 1873.]

AN ACT to amend chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—may
acquire prop-
erty for depots
and stations.

SECTION 1. The third subdivision of section eleven of chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies," is hereby amended so as to read as follows: 8d. To acquire under the provisions of this act or by purchase, all such real estate and other property as may be necessary for the construction, maintaining and operating its said railroad and the stations, depot grounds and other accommodations for accomplishing the object of its incorporation; to hold and use the same, and to sell, lease or otherwise dispose thereof, or any part or parcel thereof when the same shall be no longer necessary for its use.

Amended—
petition for ap-
pointment of
commissioners.

SECTION 2. Section fourteen of said chapter one hundred and nineteen is hereby amended so as to read as follows: "Section 14. For the purpose of acquiring such title, the said company may file a petition praying for the appointment of commissioners of appraisal by the circuit court or the judge thereof, of the county in which the real estate described in the petition is situate, which petition must be signed and verified by the attorney or some other authorized officer of the company. If such real estate is desired for station or building grounds or yards for said company, and not for a part of its main track, such petition shall state that the company is duly incorporated, a description of the real estate sought to be acquired, that the same is required for the purpose of operating such road, and

What petition
shall state, if
for stations.

that it is the intention of the company, in good faith, to use it therefor and therein, the names of the owners and parties interested therein, and such other facts touching the same as said company shall see fit to make. If such real estate is desired for the main line of the railroad of such company, or in part for the main line and in part for station or building grounds, yards or other purposes, said petition shall state that such company is duly incorporated, that it is the intention of the company, in good faith, to construct the road authorized by its charter, that said company has surveyed its route over the lands sought to be acquired for its main line, and has actually staked out the center line of its proposed road over the grounds desired for such main line, and shall contain a description of the lands across which said line shall have been so staked out by the subdivisions of the government survey, and in case a greater width than one hundred feet shall be desired to be taken across any tract, shall specify the width desired across said tract, and shall contain a description of the land sought to be acquired for depot, station or building grounds, and the other purposes of said company, that the route of said road has been located by its board of directors upon the line so staked out, and that the real estate so described is required for the purpose of constructing and operating the proposed railroad, the names of the parties who own and occupy said real estate, as near as may be, and if any of such persons are infants, their ages as nearly as may be, and if any are persons of unsound mind or unknown, these facts shall be stated, with such other facts as the company shall see fit to state; said company shall annex to such petition a map showing the route of its said road, and the lands desired to be taken for right of way, and for depots, stations, building grounds, yards and other grounds, and shall file the same in the office of the clerk of the circuit court of the county in which such real estate is situated. The filing of such petition shall be the commencement of a suit in said court. Upon the filing of such petition, the said court or judge thereof shall make an order, prescribing the notice to be given of the time and place of hearing said petition, which notice shall state the filing of such petition, the object thereof, and shall refer by general description to the lands described in the petition, and shall be addressed to the parties named in the said petition and to all persons interested in said lands, and may be served personally or at the last and usual abode of such owners

If for main line
in part.

Shall annex
map of route of
petition.

Notice of time
and place of
hearing.

and parties interested, not less than five days before such hearing, or by publication in some newspaper, to be designated by said court or judge not less than ten days before the date fixed for the hearing of such petition."

Amended—
commissioners'
report to be re-
corded.

May issue writ
of assistance.

In case of ap-
peal, how
money with-
drawn.

In case of de-
fect of title,
how rights of
parties deter-
mined.

SECTION 3. Section eighteen of said chapter one hundred and nineteen is amended to read as follows: "The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed in the judgment book of such court, and at any time after the making of such award, the railroad company may pay to the owner or owners of the lands so taken, or to the clerk of said court for the use of such owner or owners the amounts awarded by the commissioners, and thereupon, may enter upon, take and use the land for the purposes for which it was condemned, and may move said court or judge upon twenty-four hours' notice, that a writ of assistance may be issued to put the railroad company into possession of the same, and said court or judge shall, upon the company's giving security in such additional amount as the court or judge shall require, to pay any judgment which shall be recovered against it, on appeal, award such writ. If such railroad company be in possession or put in possession of such land pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court on account of the award appealed from, without prejudice to the appeal taken, but if the railroad company shall have appealed, such money shall only be so withdrawn upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal with costs. If the said company shall omit for the space of sixty days to pay the amount so awarded into court, or to pay into court the amount of any final judgment which shall be rendered upon any appeal from such award, the party interested in such award or judgment may have execution upon said judgment, or for the amount of such award upon motion. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party, shall petition the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the rights of the parties to said money, and for that purpose may order a reference or an issue to be tried

by a jury. Either party may except to the decisions of the court, and appeal to the supreme court, in like manner as in actions. Either court may award costs to the prevailing party, and under [render] judgment therefor against the other party.

Either party:
may appeal.

SECTION 4. Section twenty-two of said chapter one hundred and nineteen is hereby amended so as to read as follows: In any case when a railroad or railway company shall not have acquired title to the lands upon which they shall have constructed their road bed or track, or any part thereof, or if at any time after an attempt to acquire title by purchase, appraisal or otherwise, it shall be found that the title thereby acquired is defective, the company may proceed to acquire or perfect such title, in the manner provided in this act, and at any stage of such proceedings, the court in which the same shall be pending, or the judge thereof, may authorize such company, if in possession, to continue in possession, and if not in possession, to take possession and use such lands during the pendency of such proceedings, and may stay all actions or proceedings against such company on account thereof, on such company paying into court a sufficient sum, or giving such security as such court or judge may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands may institute and conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same at the cost and expense of the company, but no injunction to restrain the completion or operation of the road shall be granted, until such compensation has been fixed and determined, and in case such company or the person or corporation through or under which they claim title, shall have paid to the owner of such lands, or to any former owner thereof or to any other person or persons having any mortgage or other lien thereon, any sum or sums of money on account of such lands; such sum or sums, with interest thereon from the date of such payment, at the rate of seven per centum per annum shall be deducted from the award made by said commissioners to such owner or other person or persons. In case there shall be a disagreement between such company and the owner of such land, in relation to the payment of any sum or sums as aforesaid, or the amount or date of any payment that may have been made, the court or judge thereof shall, at the request of either party, award an issue which shall be tried in the same manner as issues of fact in said court, and an appeal from the decision of judgment thereon may be

Amended—
in case of defect of title company may perfect the same, and retain possession.

Party interested may institute proceedings.

In case of disagreement, how issue is to be made and determined.

taken to the supreme court in the same manner as upon the trial of issues of fact.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 292.

[Published March 27, 1873.]

AN ACT to provide for a complete geological survey of Wisconsin, and to repeal chapter one hundred and thirty-seven of the general laws of 1870, entitled "an act to provide for the survey of the lead district, making maps and collecting statistics from the same," and chapter one hundred and thirty-six of the general laws of 1872, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall appoint chief and assistant geologists.

Their duties.

Objects of the survey—examination of geological structure.

SECTION 1. The governor is hereby required to appoint, by and with the advice and consent of the senate, a chief geologist, who shall be a person of known integrity, thorough, practical and scientific knowledge of the sciences of geology and minerology, and, upon recommendation of said chief geologist, the governor shall appoint one or more assistants, not exceeding in number four, one of whom shall be a skillful, analytical chemist and assayer; the said chief geologist and his assistants to constitute a geological corps, whose duty it shall be to make a thorough and complete geological, mineralogical and agricultural survey of the state, and topographical surveys of such portions as may be deemed by the corps to need them for the thorough completion of the work: *provided*, that if the appointment of chief geologist be made during the recess of the senate, such appointment may be confirmed at the next session thereof.

SECTION 2. The survey shall have for its objects:
1st. An examination of the geological structure of the state, including the dip, number, magnitude, order and relative position of the various strata; their richness in minerals, metallic ores, clays, mineral waters, fertilizers, building stones, and other useful materials, the value of such materials for economic purposes, and their accessibility for mining and manufacture.

2d. Accurate chemical analysis and assays of the Chemical analysis.
various ores, clays, peats, marls, building stones, etc.,
discovered by the state.

3d. A careful topographical survey of the lead Topographical
survey of lead
regions. region, for the purpose of ascertaining as far as possible,
the amount of denudation, and the exact position of
the mining ground at each locality; also such other
topographical surveys as shall be deemed necessary by
the corps, also careful barometrical observations on the
relative elevation and depression of various parts of
the state.

4th. An examination of soils and subsoils, and ob- Examination of
soils.
servations upon the animal and vegetable productions
of the state, with reference to its agricultural interests.

SECTION 3. It shall be the duty of said geological Shall collect
specimens, and
where deposit
them.
corps, in the progress of the examinations hereby
directed, to collect such specimens of rocks, ores,
fossils, minerals, etc., as may be necessary to exemplify
the geology of the state; sets of these specimens shall
be deposited with the Wisconsin Academy of Sciences,
Arts and Letters, and the State University, and with
each one of the incorporated colleges in the state, and
with each of the normal schools: *provided*, application
be made to the chief geologist before the commence-
ment of the field work.

SECTION 4. It shall be the duty of said chief geolo- Shall make an-
nual report.
gist and his assistants, on or before the first Monday
in January of each year during the continuation of the
survey, to make to the governor a report of the pro-
gress and result of the survey, accompanied by such
maps, profiles and drawings as may be necessary to
exemplify the same, which reports the governor shall
lay before the legislature.

SECTION 5. As soon as the progress of the survey Shall make
complete final
report.
shall permit, the chief geologist shall begin, and on
completion of the survey, shall complete a final report,
including the results of the entire survey, accompanied
by such drawings and topographical maps as may be
necessary to illustrate the same, and by a single geolo-
gical map showing by colors and other appropriate
means, the stratification of the rocks, the localities of
the beds of mineral deposits, and the character and ex-
tent of the different formations.

SECTION 6. To carry into effect the provisions of Appropriation.
this act, the sum of thirteen thousand dollars for each
year, until the completion of said survey, is hereby
appropriated to be drawn from the treasury on warrants
of the governor, as needed; which shall be in full for

The salaries. all expenditures except printing of reports. The salary of the chief geologist, (not exceeding three thousand dollars), and the salaries of the assistant geologists shall be fixed by the governor, and shall be for service actually performed, and time actually spent in the work. The balance of the sum hereinbefore appropriated shall be used in such manner as shall best promote the purposes of this act.

When and where survey to commence.

SECTION 7. The survey shall commence by the first of June next, or as soon thereafter as practicable, beginning with the counties of Ashland and Douglas, and the entire survey shall be completed within four years from and after its commencement.

Repealed.

SECTION 8. Chapter one hundred and thirty-seven of the general laws of 1870, entitled an act to provide for the survey of the lead district, making maps and collecting statistics and specimens from the same, and chapter one hundred and thirty-six of the general laws of 1872, amendatory thereof, are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 293.

[Published March 27, 1873.]

AN ACT regulating the salaries of the judges of the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries of justices of supreme court.

SECTION 1. The salary of the chief justice and of each of the associate justices of the supreme court of the state of Wisconsin, hereafter elected or appointed, is hereby established at the sum of five thousand dollars per annum; and there is hereby annually appropriated, to be paid out of the state treasury in the manner now provided by law, the sums above named.

SECTION 2. All acts or parts of acts contravening this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 294.

AN ACT to authorize the La Crosse and Minnesota Bridge Company to bridge the Mississippi river opposite the county of La Crosse, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The La Crosse and Minnesota Bridge Company, a corporation created and existing under the general laws of the state of Wisconsin, its successors and assigns are hereby authorized and empowered to lease, purchase, build or construct a railway bridge, or railway and wagon bridge combined, across the Mississippi river, between the county of La Crosse in the state of Wisconsin, and the county of Houston in the state of Minnesota, at such point as is now or shall be hereafter authorized by any act of congress, or is or shall be located by the secretary of war in pursuance of any law of the United States, said bridge to be located and constructed in conformity to the laws of the United States in that behalf.

May lease or build railroad bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1878.

CHAPTER 295.

[Published March 27, 1878.]

AN ACT for the better protection of cranberry marshes, pine and farm lands from fire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If any person shall set on fire, or cause to be set on fire, any woods, or prairie, or meadow (either upland or marsh), or cranberry marsh on lands not belonging to himself, during the months of August, September, October and November, in any year, every person so offending shall, on conviction thereof, for every such offense, be fined in a sum not exceeding five hundred dollars nor less than twenty dollars, or be imprisoned in the county jail not exceeding ninety days

Penalty for setting fires in certain months.

nor less than thirty days, or both fine in the discretion of the court. And the duty of the county board of supervisors, under circumstances may require it, to cause the same to be published in a newspaper published in the county, requiring the same, at least once during the month of August in each year.

SECTION 2. This act shall be in force from its passage and publication.

Approved March 19, 1878.

CHAPTER 298.

[Published]

AN ACT to provide compensation for open-
sion, and indexing and completing the
journals of the senate and assembly.

*The people of the state of Wisconsin, rep-
resented in senate and assembly, do enact as follows:*

Appropriated to
J. H. Waggoner.

SECTION 1. There is hereby appro-
priated to J. H. Waggoner, chief clerk of the senate, out of
the state treasury not otherwise ap-
propriated for his services prior to and at the organization of the
senate, the sum of fifty dollars; for indexing and completing the
journal of the present session, the sum of fifty
dollars; and for completing the transcribing of the
senate journal, the sum of two hundred and fifty
dollars.

Appropriated to
E. W. Young.

SECTION 2. There is hereby appro-
priated to E. W. Young, chief clerk of the assembly, out of
the state treasury not otherwise ap-
propriated for his services prior to and at the organization of the
assembly, the sum of fifty dollars; for indexing and completing the
assembly journal of the present session, the sum of
two hundred and fifty dollars; and for transcribing of the assembly journal of
the present session, the sum of two hundred and fifty
dollars.

Not to be
drawn till work
is done.

SECTION 3. The money hereby appropriated shall
not be drawn from the treasury until the state shall certify that the duties herein
provided for shall have been respectively performed.

SECTION 4. This act shall take effect
from and after its passage.

Approved March 19, 1878.

CHAPTER 297.

[Published March 27, 1873.]

AN ACT to amend chapter one hundred and forty-six of the general laws of 1872, entitled an act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of chapter one hundred and forty-six of the general laws of 1872 is hereby amended by adding at the end thereof the following, to wit: In any corporation created under any law of this state to maintain schools, high schools, colleges or universities, the affairs of which are managed by a board of trustees or directors, elected by stockholders, it shall be competent for any stockholder to transfer his stock to such board and to their successors for the use of the corporation. Such transfer shall not extinguish the stock, but if the written transfer shall so declare, such stock shall not again be transferable, and such board and their successors shall perpetually hold the same, with power, by agent or proxy, to vote upon such stock at all elections, and such share of stock shall entitle the holder thereof to one vote. Such board shall have power, for the benefit of the corporation, to receive donations of money or property by way of endowments or otherwise, for the maintenance of the institution under their care, and to invest, re-invest, collect and manage the same for the uses for which such donations are severally made.

Amended—
stock in educational institutions may be transferred.

May receive donations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER

AN ACT to authorize Wood county to erect a free bridge across the Wisconsin river, section eight, town twenty-two, range twenty-two north.

The people of the state of Wisconsin and assembly, do enact as follows:

May erect and maintain free bridge.

SECTION 1. The county of Wood is authorized to erect and forever maintain a free bridge across the Wisconsin river upon section number twenty-two north, of range twenty-two north, as follows: From a point within the village of Rapids, and upon said section eight, hereinafter provided, across the "grand chute," to a corresponding point on the east side of section eight within the village of Central. The total cost of building and completing said bridge shall not exceed fifteen thousand dollars; *and* that nothing herein shall be construed to authorize any impeding or obstruction of the Wisconsin river for navigation.

Supervisors may fix location of bridge.

SECTION 2. The board of supervisors of Wood county are hereby authorized to fix upon and determine within the limits of section one of this act, the exact location of the bridge to be erected by this act authorized to be erected. The board of supervisors are authorized and empowered to employ such persons of said county, and in its corporate name to employ more responsible parties for the erection and completion of the bridge in whole or in part, as the board shall seem to require; and all contracts shall be made in a public manner, and to the lowest bidder after a public notice of at least three days published in one or more newspapers in the county, that the time for awarding such contract may be postponed from time to time until the interest may require, and reasonable postponement shall in all cases be given. *And* further, that the said board of supervisors have the right, if in their best judgment it will be best subserved thereby, to suspend the erection and completion of said bridge under the provisions of a committee not exceeding three in number, to be named *viva voce* by the said board of su-

May make contract.

May erect bridge under supervision of committee.

eral meeting thereof, and to act during the pleasure of the said board of supervisors only.

SECTION 8. The bridge aforesaid shall not be less than sixteen feet wide, shall have strong railing at the sides, and shall be constructed and maintained in a safe and substantial manner for the passage of teams, animals and foot passengers; and the said board of supervisors may at any time prescribe regulations for the government of said bridge, including penalties for the violation thereof, not inconsistent with the laws of this state, which penalties may be enforced by actions as for tort, brought in the name of the state and at the instance of any tax payer, and shall be in all respects conducted like ordinary actions in tort, before any justice of the peace of said county, or the police justice or other justice of the city of Grand Rapids; and all moneys recovered in any such action, exclusive of costs, shall be paid into the county treasury. A legible copy of all regulations, and of penalties for violations thereof, hereby authorized, shall be posted in a conspicuous place upon or near either end of said bridge, and shall immediately thereafter be deemed in full force.

Dimensions of the bridge.

May prescribe regulations.

Copy of regulations to be posted.

SECTION 4. The members of the committee herein authorized to be chosen shall receive such compensation as the board of supervisors may authorize, not exceeding three dollars for every day actually employed: *provided*, that if such board of supervisors shall choose to so employ but one person, who shall be an experienced and skillful bridge-builder, they may pay him such compensation as shall be usual and reasonable for such persons.

Compensation of committee.

SECTION 5. The board of supervisors of said county of Wood are hereby authorized at the time and in the manner provided by law for levying county taxes, to levy a tax upon the taxable property in said county sufficient to pay the expense of erecting and completing the said bridge: *provided*, that not more than one-third of said amount shall be levied as aforesaid in any one year. The tax so levied in any year shall be certified separately by the county clerk to the several towns, villages and cities in said county, and shall by them be put in the assessment roll in a separate column, and shall be designated as "county bridge tax," and shall be payable in money.

May levy "county bridge tax."

SECTION 6. If the said board of supervisors shall deem the same preferable to the mode of raising money to erect the said bridge authorized by the preceding section, they are hereby authorized to issue the bonds of the said county of Wood to an amount not exceed-

May issue bonds in lieu of tax.

Denominations of the bonds and rate of interest.	ing fifteen thousand dollars, which bonds or the proceeds thereof, or so much thereof as shall be necessary, shall be applied in payment of the expenses of building and completing the bridge hereinbefore mentioned, and for no other purpose. Said bonds shall be of the denominations of fifty, one hundred, five hundred and one thousand dollars respectively, in such proportions as the board of supervisors shall deem proper, with coupons attached for the payment of interest, at a rate not exceeding seven per cent. per annum, and both principal and interest shall be made payable within a period not exceeding ten years, and shall be executed by the chairman of the board of supervisors and countersigned by the county clerk of said county, and shall have the county seal attached thereto: <i>provided</i> , that before a tax shall be levied by said county board for the purpose of erecting and completing said bridge, or if said board shall elect to issue the bonds of said county as provided in the next section, before said bonds shall be issued, in either case, the question shall be submitted to the qualified electors of said county, at an election to be held at the various election precincts in said county; notice of which election shall be first directed to be given by a resolution of said county board, in a newspaper published weekly in said county; and said notice shall be published for the space of six successive weeks in said newspaper prior to said election, and shall specify the time, place and manner of holding the said election, and the said question of levying a tax or of issuing bonds shall be voted upon by ballot, which shall read, "for tax," or "against the tax," or "for issuing bonds," or "against issuing bonds," and the said tax shall or shall not be levied, and the said bonds shall or shall not be issued, in accordance with the vote thereon, as herein provided, by a majority of the electors of said county: <i>provided further</i> , that no tax shall be levied or bonds issued, as aforesaid, until said county shall have complied with the provisions of section seven, chapter one hundred and seventy-eight, private and local laws of 1865, by purchase and possession of said Wood county bridge.
How executed.	
Questions to be submitted to vote.	
Form of ballot.	
Conditions of the levy.	
Shall levy tax to pay interest and principal of bonds.	SECTION 7. In case the said county board shall issue the bonds of said county, as aforesaid, the said county board shall annually thereafter levy a tax upon the taxable property of said county sufficient to pay the interest on all the said bonds which, at the time of levying the said tax, shall be outstanding and the principal of so many of said bonds as shall mature and become payable in such year, which tax shall be called

the "county bridge tax," and shall be paid in money or in the bonds and coupons then due and payable.

SECTION 8. The county clerk of said county shall keep a faithful record of the bonds of said county which may be issued under the provisions of this act, which record shall contain a statement of the number of bonds issued, to whom issued, the amount of each respectively, when they will mature, and the rate of interest thereof, which record shall be open to the inspection of the public at any reasonable hour.

County clerk to keep record of bonds.

SECTION 9. The said county board of supervisors are hereby authorized to levy such a tax annually as may be necessary therefor, upon the taxable property in said county, for the purpose of maintaining and keeping in repair the said bridge, after the same shall have been erected.

May levy tax for repairs.

SECTION 10. This act shall be construed favorably in all courts and places to effect the purposes intended to be accomplished, and shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 299.

[Published March 27, 1873.]

AN ACT to amend chapter fifty-six, general laws, 1870, entitled an act to provide for the incorporation and government of fire and inland navigation insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-three, chapter fifty-six, general laws 1870, is hereby amended by striking out the word, "incorporated," where it occurs in the thirty-fourth line as printed, so as to read as follows: Section 33. It shall be the duty of every company transacting the business of insurance under this act, to include in its annual statement, a statement showing the amount received in the state during the year for which such statement is made, in cash for premiums, in premium notes, in cash notes, and the amount received from other sources; and showing also the amount paid in this state for salaries, commissions to agents, and for losses during the same period. And each such company,

Amended—what annual statement shall include.

Per centage to
be paid for li-
cense.

May require
additional evi-
dence.

Per centage
shall be in lieu
of taxes.

Amended—
per centage to
be paid to fire
companies.

before receiving a license to transact business for the current year, shall pay to the state treasurer a sum equal to two per centum of the gross cash receipts of said company in this state, including all notes taken for premiums during the year for which such statement is made: *provided*, all companies chartered or organized under the laws of this state may be allowed to deduct from such gross receipts their office expenditures and officers' salaries; *and provided further*, that when application for license is made by any company not organized under the laws of this state, and that shall not have transacted business within the state within one year prior to such application, the sum of five hundred dollars shall be paid by such company as a license for the first year, such sum to be computed by or under the direction of the secretary of state. And in order to ascertain the truth of such statements, the secretary of state may require such additional evidence as he shall deem necessary. The amount paid by the several insurance companies, as provided above, shall be in lieu of all state, county and municipal taxes and licenses, excepting taxes on real estate owned by any insurance company and exempt, as provided in this act: *provided*, that this act shall not be construed to prohibit cities and villages having an organized fire department, from collecting the two per cent. now allowed by law on the receipts of each insurance company within their respective limits, to be applied to the support of the fire department of such cities and villages.

SECTION 2. Section thirty-four of said chapter is hereby amended by striking out the word, "incorporated," where it occurs in the second line of said section as printed, so as to read as follows, viz: Section 34. There shall be paid to the treasurer of the fire department of any city or village in this state, in which there may be a regularly organized fire department, on the first day of February in each year, by every person who shall act in said city or village as agent for or in behalf of any individual or association, or associations of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against losses or injury by fire, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the year or part of a year ending on the next preceding first day of January, shall have been received by such agent or person, or received by any other person or persons for him, or shall have been agreed to be paid for any insurance

effected or agreed to be effected or promised by him as such agent or otherwise, against loss or injury by fire, in any such city or village. No person shall, in any such city or village, as the agent or otherwise, for any individual, individuals or association, effect or agree to effect any insurance, upon which the duty above mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected, until he shall have executed and delivered to the said treasurer a bond to the fire department of any such city or village, in the penal sum of a thousand dollars, with such sureties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer, on the first day of February in each year, a just and true account, verified by his oath that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him, or any other person for him, or agreed to be paid, for any insurance against loss or injury by fire in any such city or village, which shall have been effected or promised by him, or agreed to be effected or promised by him to be effected, from any individual or individuals, or association, incorporated as provided in the first section of this act, and that he will annually, on the first day of February in each year, pay to the said treasurer, two dollars upon every hundred, and at that rate upon the amount of such premiums. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding section of this chapter, without having executed and delivered the bond required by the preceding section shall, for each offense, forfeit one hundred dollars for the use of said fire department; such penalty of one hundred dollars shall be collected in the name of the fire department of any such city or village.

Agents shall give bond for faithful payment of percentage.

Penalty for insuring without executing bond.

SECTION 3. Section thirty-six of this chapter is amended so as to read as follows, viz: "Section 36. In case the fire department of any such city or village shall have no such officer as treasurer, the provisions of this act, so far as they are applicable to him, shall apply to the treasurer of such city or village or town, in which such village may be located, having no treasurer, and the treasurer of such city, village or town shall, under the direction of the proper authorities thereof, pay over all money received or recovered by him under the provisions of this act, to the fire department of such city or village."

Amended—If fire companies have no treasurer, provisions to apply to city treasurer.

SECTION 4. All laws or parts of laws conflicting

with any of the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 300.

[Published March 27, 1873.]

AN ACT to amend section one, chapter one hundred and sixty-four, general laws of 1872, entitled an act to amend section one of chapter seventy-five, general laws of 1866, entitled an act to amend section sixty-eight, chapter ten, of the revised statutes, entitled "the state superintendent," and to add a new section to said chapter seventy-five of the general laws of 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
mistakes in re-
port not to de-
prive district of
school moneys.

SECTION 1. Section one of chapter one hundred and sixty-four of the general laws of 1872 is hereby amended by adding thereto the following words: "And in case satisfactory evidence shall be laid before the state superintendent that in consequence of a mistake of a town clerk or other officer, money was not apportioned for and received by any school district from the income of the school fund, to which said district was legally entitled by reason of having maintained five months' school during the last preceding school year, the said state superintendent is hereby authorized and directed to apportion to said district from said fund the amount of money to which it shall be found entitled: *provided*, that no such apportionment shall be made unless the application and evidence in regard thereto shall be laid before the state superintendent within two years from the time when such mistake occurred.

Construction of
act,

SECTION 2. This act shall take effect and be enforced from and after its passage and publication, and shall be construed to cover mistakes made, as recited in the previous section, in the years 1871 and 1872.

Approved March 19, 1873.

CHAPTER 801.

[Published March 27, 1878.]

AN ACT to amend section one of chapter one hundred and thirty of the general laws of 1870, entitled "an act to amend section one of chapter one hundred and fifty of the general laws of 1868, entitled 'an act relating to the collection of taxes.'"

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty of the general laws of 1870 is hereby amended so that it shall read as follows: It shall be the duty of the county clerk, on or before the first day of November, to return to the clerks of the several towns, cities and villages in their respective counties, a list of taxes remaining unpaid upon any tract of land in their respective towns, cities or villages for the preceding year, and the town, city or village assessment roll shall be made to show opposite each tract of land therein assessed, and under the head of "taxes unpaid" for previous year, the year for which such tax remains unpaid; and all county, town, city or village treasurers, in giving receipts for taxes paid upon any tract of land, shall, under the head of "taxes unpaid for previous year," enter in such receipt, opposite the said tract, the year for which such unpaid tax is due on the tract of land thus receipted for.

Amended—
county clerk to
return delin-
quent list to
town clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1878.

CHAPTER 302.

[Published April 1, 1878.]

AN ACT to provide for the application of the five per centum collector's fees on delinquent taxes in the county of Polk, and to repeal chapter twenty-five of the private and local laws of 1872, entitled "an act to provide for the application of the five per cent. collector's fees on delinquent taxes in the county of Polk."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Collector's fees
to belong to
town treasurer.

SECTION 1. The five per centum collector's fees on taxes returned as delinquent in the county of Polk, pursuant to chapter twenty-six of the laws of 1861, in the year 1873, and in each year thereafter, are hereby declared to belong to the town treasurers making return thereof; and the county treasurer of said county is hereby authorized and required to pay to each of the town treasurers returning such delinquent taxes, the fees allowed thereon as aforesaid, after the said county treasurer shall have collected the taxes aforesaid returned by said county treasurer as delinquent taxes: *provided*, that such town treasurer shall cease to have any claim or right to such five per centum collector's fees at the end of three years after such delinquent taxes shall have been returned by such town treasurer, and the same have not been collected by the county treasurer.

SECTION 2. All acts or parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1873.

CHAPTER 808.

[Published March 27, 1878.]

AN ACT to amend chapter fifty-eight of the revised statutes, and the act amendatory thereto, entitled "of weights and measures."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1: Section eleven of chapter fifty-eight of the revised statutes, entitled "of weights and measures," as amended by chapter one hundred and twenty-five of the general laws of 1868, and chapter twelve of the general laws of 1872, is hereby amended so as to read as follows: Section 11. Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, dried peaches, flax seed, timothy seed, potatoes, parsnips, turnips, (common flat), beets, carrots, onions or ruta bagas, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat or clover seed; fifty-six pounds for a bushel of rye or Indian corn, shelled, and seventy pounds of Indian corn, unshelled; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; fifty pounds for a bushel of buckwheat; twenty-eight pounds for a bushel of dried apples or dried peaches; fifty-six pounds for a bushel of flax seed; forty-six pounds for a bushel of timothy seed; sixty pounds for a bushel of potatoes; forty-four pounds for a bushel of parsnips; forty-two pounds for a bushel of common flat turnips; fifty pounds for a bushel of beets; fifty pounds for a bushel of carrots; fifty pounds for a bushel of onions, and fifty-six pounds for a bushel of ruta bagas.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1878.

Amended—
the legal
weights of
grains, etc.,
fixed.

CHAPTER 304.

[Published March 25, 1873.]

AN ACT to amend section nineteen of chapter two hundred and forty-five of the private and local laws of 1868, entitled an act to incorporate the village of Stoughton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall pay over
minimum
amount of li-
censes.

SECTION 1. The village treasurers of the incorporated villages in Dane county shall each respectively, on or before the first days of July and January in each year, pay over to the county treasurer of Dane county, the minimum amount for each license for the sale of spirituous and malt liquors now required by law to be paid for such license, and which may have come into the hands of such village treasurers.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1873.

CHAPTER 305.

[Published March 25, 1873.]

AN ACT to amend sections one and four of chapter one hundred and sixty-nine of the private and local laws of 1868, entitled an act to authorize the several towns in the county of Dane to retain a portion of the money paid for licenses, for the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
balance of li-
cense moneys
to be retained
in town treas-
ury.

SECTION 1. That section one of chapter one hundred and sixty-nine of the private and local laws of 1868 be amended so as to read as follows: Section 1. The amount of money paid to the town treasurer of each town in Dane county for license for the sale of spirituous, ardent or intoxicating liquors, shall be retained in the town treasury subject to the direction and control of the annual town meeting of each respective

town, as hereinafter provided, except the minimum amount provided by law to be paid for each license to sell intoxicating, ardent, malt or spirituous liquors.

SECTION 2. That section four of said chapter one hundred and sixty-nine be amended so as to read as follows: Section 4. It shall be the duty of the county board of supervisors of Dane county at their annual session in November of each year, to compare the statements furnished them by the several town clerks in accordance with section three of this act, and also the statements furnished by the clerks of the several incorporated villages in said county, with the amounts paid by the several town and village treasurers into the county treasury for licenses, and if it shall appear that the moneys required by law to be paid into the county treasury, have not been so paid, or that any person has sold intoxicating liquors without license in any town or village, the county board of supervisors shall charge such town thus in default, or permitting such sale without license, an amount equal to the minimum required by law for such license so granted, and each person selling intoxicating liquors without license, and the county board of supervisors of said Dane county, if the members of such board or any one of such members have any doubt as to the correctness of the statement made by the clerk of any town or incorporated village, made pursuant to the provisions of section three of this act, shall have power, and such board is hereby authorized to summon such witnesses as such board may deem proper to prove such statement incorrect, and upon being satisfied that the statement of the clerk of any town or incorporated village made pursuant to section three of this act is incorrect, such board shall charge to the town or incorporated village, double the amount provided in this act, for all cases which such clerk shall have failed to repeal [report.]

Amended—
county board
shall compare
statements.

Shall charge
towns in de-
fault.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 20, 1873.

CHAPTER 306.

[Published March 26, 1873.]

AN ACT to amend an act entitled an act to amend an act entitled an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto, approved March sixteenth, 1870.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—
city limits and
boundaries of
Green Bay.

SECTION 1. Section one of chapter one of said act is hereby amended so as to read as follows, to wit: Section 1. All the district of country in the county of Brown and state of Wisconsin, included within the following limits and boundaries, to wit: Commencing at the mouth of East river, at the northwest corner of private claim number two on the east side of Fox river, and running thence south sixty-four degrees east, along the north line of said private claim number two to the northeast corner thereof, thence south twenty-six degrees west, along the east line of said claim to the middle of East river, thence up and along the middle of said East river to a point therein midway between the north and south line of private claim number nine, thence north sixty-four degrees west, along the middle of said claim to the east side of Webster street, thence south eighteen (18) degrees west, thirty-eight (38) chains and sixty (60) links, to the south line of private claim number twelve (12), thence north sixty-four (64) degrees west, eighty (80) feet, thence north eighteen (18) degrees east, thirty-eight (38) chains and sixty (60) links, to the middle of private claim number nine (9), thence north sixty-four (64) degrees west, along the middle of said claim, to the channel bank of Fox river, thence down and along the channel of Fox river to the mouth of East river to the place of beginning, shall be a city by the name of Green Bay.

Amended—
The powers and
duties of the
city marshal.

SECTION 2. Section seven of chapter three of said act is hereby amended so as to read as follows, to-wit: Section 7. The marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed; and when necessary, in criminal cases,

or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. May appoint deputies.

SECTION 3. Section four of an act entitled an act to amend an act to revise, consolidate and amend the act to incorporate the city of Green Bay and the several acts amendatory thereto, approved March twenty-first, 1872, and section one of chapter one of an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto, approved March sixteenth, 1870, are hereby repealed. Repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1873.

CHAPTER 307.

AN ACT in relation to toll gates on the Milwaukee and Green Bay plankroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the first day of June next, it shall not be lawful for the Milwaukee and Green Bay Plankroad Company to keep or maintain any toll-gate on the road of said company, or to collect toll thereon at any point within two miles of the northern boundary line of the city of Milwaukee. Shall not keep toll gate or collect tolls.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1873.

CHAPTER 308.

[Published April 1, 1873.]

AN ACT to appropriate a sum of money therein named, to pay
for chaplain service in the assembly for the year 1873.

*The people of the state of Wisconsin, represented in senate
and assembly, do enact as follows:*

Appropriated to
chaplains.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of one hundred and fifty dollars in full for the services of the chaplains of the assembly for the year 1873.

To be paid on
certificate of
chief clerk.

SECTION 2. The chief clerk of the assembly shall certify to the secretary of state the names of the several clergymen who have officiated as chaplains; whereupon the secretary of state shall issue his warrant, in equal sums, to the several individuals who have officiated as chaplains.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 20, 1873.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION asking our senators and representatives in congress to use their influence in securing an appropriation from the general government for an improvement of the harbor at the mouth of the Menomonee river, between the states of Michigan and Wisconsin.

Resolved by the assembly, the senate concurring, That our senators and representatives in congress be requested to use their influence and best efforts to obtain appropriations from the general government for the improvement of the harbor at the mouth of the Menomonee river, between the states of Michigan and Wisconsin, and the harbor at the mouth of the Oconto river, in the county of Oconto, Wisconsin.

Approved February 15, 1873.

NUMBER 2.

JOINT RESOLUTION relative to the appointment of an agent to prosecute the claims of the state of Wisconsin against the United States, for the amount due by the United States on account of lands therein disposed of for Indian reservations, military land warrants and land scrip issued for military services in the wars of the United States, and by Indian or half-breed scrip or agricultural college scrip issued to any other state.

Be it resolved by the assembly, the senate concurring, That the governor be and hereby is authorized, empowered and directed to appoint an agent for and on behalf of this state to prosecute to final decision before the United States court of claims or congress, the claim of this state for five per cent. of the minimum price of the public lands that have been disposed of by the United States in this state by Indian reservations, and by the location of military warrants and land scrip issued for military services in the wars of the United States, and by the location of half-breed or Indian land scrip, and by agricultural college scrip issued to any other than this state, and that such person shall be well informed in the

law, and shall be allowed such a compensation as shall be agreed upon between the governor and himself, and to be paid only after such a claim, in whole or in part, is collected, and out of the fund collected only; *and provided*, that the state shall not be otherwise liable for any expenses whatever attending the prosecution of such claim.

Approved February 28, 1878.

NUMBER 3.

JOINT RESOLUTION relating to the postal service.

WHEREAS, The diffusion of knowledge is a matter of imperious necessity to any nation where the intelligence of the people constitutes the best safeguard of their liberties; and

WHEREAS, Any burdensome tax upon the sources of knowledge and information is unprofitable, impolitic and unjust; and

WHEREAS, The private letter and the public newspaper are recognized as best meeting and supplying the great and increasing demand for information; and

WHEREAS, The franking privilege has proved a costly burden, without returning any commensurate benefit; therefore,

Resolved by the senate, the assembly concurring, That our representatives be requested, and our senators in congress be instructed to use their best efforts to secure by appropriate legislation,

First. A reduction on letter postage to two cents per letter not exceeding one half ounce weight, for any distance within the boundaries of the United States.

Second. The free carriage of newspapers in the public mails within the respective states where published.

Third. The abolition of the franking privilege.

Resolved, That the governor be, and he is hereby requested, upon the passage of these resolutions, to transmit a copy of the same to each of our senators and representatives in congress.

NUMBER 4.

JOINT RESOLUTION ratifying proposed constitutional amendment prohibiting counties, towns, villages, etc., from becoming indebted for any purpose to an amount exceeding five per cent. of the value of taxable property.

WHEREAS, The legislature of this state at its annual session for the year 1872, proposed and adopted by a vote of the majority of the members elected to each of the two houses, an amendment to the constitution of this state, in the following language:

"Resolved by the assembly, the senate concurring, That section three (3) of article eleven (11) of the constitution of this state be amended by adding at the end of said section the following words: No county, city, town, village, school district or other municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to any amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness, as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof, within twenty years from the time of contracting the same."

Resolved by the senate, the assembly concurring, That the foregoing amendment to the constitution be, and the same is hereby agreed to by this legislature.

Approved March 18, 1873.

NUMBER 5.

JOINT RESOLUTION requesting the governor to inquire into subject of removing the remains of the late Alexander W. Randall to this state.

Resolved by the assembly, the senate concurring, That the people of Wisconsin affectionately cherish the memory of the late Alexander W. Randall, governor of the state during four of the most trying years of its existence; that his patriotism, his energy and fidelity in the public service, his brilliant qualities of intellect and stainless integrity, placed him among the foremost citizens of our state, and made his name a shining one in our history; and that such honors and mementoes as mankind bestow upon their benefactors and heroes are due to him from the citizens of the state.

Resolved by the assembly, the senate concurring, That as the representatives of the people of the state, we approve of and renew those expressions of respect and affection for the memory of the late Louis P. Harvey, governor of the state, which were elicited from the people of the state and of the whole country on the occasion of his tragic death while on a distant mission of mercy and patriotism to our soldiers in the field, and that our grateful appreciation of his public services and our high estimate of his pure and unblemished character have been rather quickened than diminished by the time that has since elapsed, and by the events that have since occurred.

Resolved by the assembly, the senate concurring, That his excellency, the governor, be respectfully requested to inquire into the subject of the removal of the remains of the late ex-governor Randall to this state, and to procure estimates, and, in his discretion, plans for a monument or monuments to be erected on the burial-place of such ex-governors of the state as may be buried near the capitol, and that he be respectfully requested to report to the next legislature the result of his inquiries.

Approved March 19, 1878.

NUMBER 6.

JOINT RESOLUTION requesting the congress of the United States to improve the navigation of the St. Croix lake and river.

WHEREAS, The St. Croix lake and river form a continuous navigable stream from St. Croix falls, in the state of Wisconsin, to Prescott, in the said state of Wisconsin, where the said St. Croix lake empties into the Mississippi. That said St. Croix lake and river form the boundary line between the states of Minnesota and Wisconsin, and the unobstructed navigation of said lake and river is of great importance to the inhabitants of both of said states, and absolutely necessary to the agricultural and lumbering interests of the several counties in said states bordering on said lake and river, and that the railway connections with the navigation of said lake and river at Hudson, in the state of Wisconsin, and at the city of Stillwater, in the state of Minnesota, render the free navigation of said lake and river of great importance to the general commercial interests of the people of both states.

WHEREAS, There are obstructions to the free navigation of said lake and river, consisting of a sand-bar in said lake, near the village of Afton, in said state of Minnesota, and a sand-bar in said lake known as Willow river bar, near the town of Hud-

son in the state of Wisconsin, and that the remaining obstruction to the free navigation of said river consists of snags in the bend and near the shores of said river between the city of Stillwater, in said state of Minnesota, and the town of St. Croix Falls, in said state of Wisconsin.

WHEREAS, Said obstructions to the free navigation of said river and lake can be removed at a small cost to the general government by the use of the dredge boat used in the removal of sandbars in the Mississippi river, near the mouth of said lake St. Croix, and by the use of the snag boat employed for the purpose of removing snags in the upper Mississippi river. Now, therefore:

Be it resolved by the legislature of the state of Minnesota [Wisconsin], That our senators and representatives in congress be requested to use their efforts in behalf of legislation to provide for the improvement of the navigation of said lake and said river.

Approved March 19, 1878.

MEMORIALS.

NUMBER 1.

MEMORIAL to congress for a grant of lands to aid in the construction of a railroad from Green Bay to the navigable waters of the St. Croix on the western boundary of the state.

Your memorialists, the legislature of Wisconsin, respectfully represent :

That the construction of a railroad, nearly east and west across the state, from the navigable waters of Green Bay, in the county of Oconto, through the counties of Shawano, Marathon, Clark and Chippewa, to the navigable waters of the St. Croix, would open to settlement an important, though largely unsettled portion of our state, and promote the commercial and general interest of the new states to the west by giving a lake terminus much nearer to Buffalo, and other points on lake Erie, than any other east and west road in said state.

Your memorialists respectfully ask for the passage of the bill now pending in congress, or a similar bill, granting to the state of Wisconsin a portion of the public lands on said proposed route, to aid in the construction of such railroad.

Approved March 12, 1873.

NUMBER 2.

MEMORIAL to congress for an increase of mail service from Chippewa Falls to Vanville, in Chippewa county, Wisconsin.

To the honorable the senate and house of representatives :

The memorial of the legislature of the state of Wisconsin respectfully represents :

That the interests and convenience of the inhabitants of Chippewa county require an increase of service on route number 13,316, reaching from the city of Chippewa Falls to Vanville, in

Approved March 12, 1873.

NUMBER

And your memorialists would respect
established at as early a period as possi
Approved March 12, 1873.

NUMBER 4.

That previous legislatures of this memorialized congress on the subject setting forth the very great importance,

sity, to the continued development and consequent prosperity of all the great agricultural states lying west of lake Erie, and especially this state, that greater facilities and cheaper rates of transit must be opened up to the Atlantic seaboard than we now possess. Another system for transportation must be secured of large capacity, on which the young and enterprising business men of the country, of limited means, can embark in the carrying trade between the two sections with a fair prospect, nay certainty, of success. That result can only be secured by opening up that water route around the Falls of Niagara down into lake Ontario, thence by canal, railroads, and the St. Lawrence river to the Atlantic ocean. Therefore,

Be it resolved, That congress be requested to adopt such legislation at its present session as shall secure the speedy construction of the proposed ship canal at Niagara Falls.

Resolved, That our senators and representatives in congress use their best efforts to secure such legislation.

Resolved, That a duly authenticated copy of this memorial and resolutions be transmitted to the president of the United States, to the president of the senate and speaker of the house, with request that they lay them before their respective houses, and to each of our senators and representatives in congress.

Approved March 12, 1878.

NUMBER 5.

MEMORIAL to the postmaster general for an increase of mail service on the mail route between Neillsville and Loyal, in the county of Clark.

The memorial of the legislature of the state of Wisconsin respectfully represents :

That service of mail once a week, each way, on the mail route between Neillsville and Loyal, in the county of Clark, is inadequate to the wants of that thriving section of country now very rapidly filling up with new settlers. It is the only established mail route north of Neillsville, in Clark county. Your memorialists would respectfully request that the service on that route be increased so as to give the people the benefit of a tri-weekly mail service each way. The governor is respectfully requested to transmit a certified copy of this memorial without delay to the honorable the postmaster general.

Approved March 12, 1878.

NUMBER 6.

MEMORIAL to the congress of the United States for a geological survey of the state of Wisconsin.

The memorial of the legislature of Wisconsin respectfully shows:

That there is still a large amount of government lands in the northern portion of the state of Wisconsin.

That there are within the state, parts of its territory which have scarcely been traversed by white men other than the government surveyor.

We respectfully ask of the congress of the United States, or other proper authority, that there be ordered a similar geological survey of this state, to the ones lately made for the states of Kansas and Nebraska, and some of the western territories.

The governor is requested to transmit a copy of this memorial to each of our senators and representatives in congress, with a request that if any congressional or departmental action is necessary to secure a survey, that they commend our request to the favorable attention of the proper authority.

Approved March 13, 1873.

NUMBER 7.

MEMORIAL asking congress for a revision of the laws regulating commerce and navigation upon the great western lakes.

To the honorable the senate and the house of representatives of the United States, in congress assembled:

This memorial of the legislature of the state of Wisconsin respectfully represents:

That in the opinion of this legislature, the acts of congress, now in force, regulating the navigation and commerce upon the great western lakes, are unnecessarily embarrassing and restricting to such navigation and commerce, and that, therefore, they should be revised with a view of removing all restrictions now imposed on our lake navigation and commerce, which are not essential for the protection of the revenue.

This legislature is aware that the proximity of foreign territory, the comparatively unprotected condition of our frontier, and particularly the present high tariff, makes it a matter of necessity that

laws should be made to protect the revenue, and that for such purpose commerce and navigation on our waters bordering on foreign territory be to some extent restricted; but this legislature, at the same time, is of the opinion, that the sole object of these laws ought to be to protect the revenue and to restrict commerce and navigation only so far as it is absolutely necessary and essential for such protection of the revenue.

This legislature begs to call attention to the provisions of section eighteen of the act of congress, entitled "an act for the enrollment and licensing of ships or vessels and for other purposes," approved February 18, 1793, by virtue of which ships and vessels duly enrolled and licensed, can carry on the coasting trade between a district in one state and a district in the same or an adjoining state on the sea coast, without being required to report at any custom house, and to deliver a manifest of their cargoes and to obtain a clearance previous to departure, or on arrival within such district, to make a report thereof and obtain a permit to unlade; and this legislature suggests that these or similar privileges be extended to all ships or vessels enrolled and licensed to carry on the coasting trade on the northern, northeastern and northwestern frontiers of the United States, and trading between a port or place in one state, and a port or place in the same or an adjoining state, and not touching or landing at any foreign port or place, and that to this effect all acts or parts of acts conflicting with these privileges be repealed.

Approved March 19, 1878.

NUMBER 8.

MEMORAL to congress for an increase of mail service from Pewaukee to the village of Sussex, in Waukesha county.

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests of a large number of the inhabitants and business men of the town of Lisbon, in which the village of Sussex is situated, require the establishment of a daily mail route from the Pewaukee railroad station to the village of Sussex in the county of Waukesha. Your memorialists would therefore respectfully ask, that the increase of mail service on the aforesaid route be granted, and that said increase be ordered as soon as practicable.

Approved March 19, 1878.

STATE OF WISCONSIN—*Secretary's Office*—

The secretary of state, of the state of
certify, that the laws, joint resolutions and
this book have been compared with the or
office, and that they appear to be correctl

In testimony whereof, I have hereunto s
the great seal of the state, at t
[L. s.] this seventh day of May, A. D. 1

L.

STATEMENT
SHOWING THE
TIMES AND PLACES FOR HOLDING CIRCUIT COURTS
IN THE
SEVERAL COUNTIES OF THIS STATE.

Prepared by the Secretary of State in accordance with Chap. 145, G. L. of 1869.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
FIRST CIRCUIT.			
Walworth...	8d Monday in September... 8d Monday in February 2d Monday in June	Elkhorn.....	Ch. 18, G. L. 1869.
Racine	2d Monday in October 2d Monday in March..... 8d Monday in June	Racine	Ch. 18, G. L. 1869.
Kenosha ...	Wednesday after 1st Monday in November Wednesday after 1st Monday in April..... 2d Monday in August.....	Kenosha	Ch. 18, G. L. 1869.
SECOND CIRCUIT.*			
Milwaukee ..	2d Monday in January..... 1st Monday in May 4th Monday in June..... 1st Monday in October.....	Milwaukee ...	Ch. 22, G. L. 1871.
Waukesha...	8d Monday in March 1st Monday in December... 2d Monday in June, [Law Term].....	Waukesha....	Ch. 248, P. & L. 1866.

* Section 1 of chapter 106, general laws of 1872, provides that the general terms in each of the counties in this circuit be special terms for the whole circuit.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
THIRD CIRCUIT.			
Marquette .. {	Tuesday next after first Monday in January Tuesday next after last Monday in May	Montello {	Ch. 34, G. L. 1871.
Green Lake. {	2d Monday in January..... 1st Monday in June.....	Dartford {	Ch. 24, G. L. 1871.
Dodge {	2d Monday in October 4th Monday in February ...	Juneau {	Ch. 24, G. L. 1871 & ch. 22, G. L. '73
Washington. {	3d Monday in March..... 2d Monday in November...	West Bend.... {	Ch. 24, G. L. 1871.
Ozaukee ... {	Tuesday after 4th Monday of January Tuesday next after 3d Monday in June	Port Wash'gt'n {	Ch. 24, G. L. 1871.
Winnebago. {	Tuesday next after 2d Monday of April..... Tuesday next after 4th Monday of September Tuesday next after 1st Monday in December.....	Oshkosh..... {	Ch. 24, G. L. 1871, and Ch. 233, L. 1873.
FOURTH CIRCUIT.			
Sheboygan . {	3d Monday in February 4th Monday in May..... 3d Monday in November...	Sheboygan.... {	Ch. 127, G. L. 1871.
Calumet ... {	2d Monday in June 2d Monday in November...	Chilton..... {	Ch. 127, G. L. 1871.
Manitowoc . {	3d Tuesday in June..... 2d Tuesday in December ...	Manitowoc ... {	Ch. 127, G. L. 1871.
Kewaunee . {	1st Monday of February.... 2d Monday of July.....	Kewannee {	Ch. 127, G. L. 1871.
Fond du Lac {	1st Monday of January..... 4th Monday in April..... 4th Monday in September... Special term, 1st Monday in July.	Fond du Lac.. {	Ch. 127, G. L. 1871.
FIFTH CIRCUIT.			
Grant {	1st Tuesday in March 2d Tuesday in September...	Lancaster..... {	Ch. 72, G. L. 1873.
Iowa {	4th Tuesday in March..... 1st Tuesday in October.....	Dodgeville.... {	Ch. 72, G. L. 1873.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
FIFTH CIRCUIT—CON.			
La Fayette.. {	4th Tuesday in June 1st Tuesday in December...	Darlington .. {	Ch. 72, G. L. 1872.
Richland ... {	2d Tuesday in April 4th Tuesday in October	Rich'd Cent'r {	Ch. 72, G. L. 1872.
Crawford... {	4th Tuesday in May 2d Tuesday in November...	Pra. du Chien {	Ch. 72, G. L. 1872.
SIXTH CIRCUIT.			
Clark {	4th Tuesday in February... 1st Tuesday in September ..	Neillsville... {	Ch. 1, G. L. 1873.
Jackson {	2d Tuesday in March 2d Tuesday in September...	Blk Riv. Falls {	Ch. 9, G. L. 1871.
Monroe {	4th Tuesday in March 4th Tuesday in September ..	Sparta {	Ch. 9, G. L. 1871.
La Crosse .. {	2d Tuesday in May 2d Tuesday in November...	La Crosse ... {	Ch. 9, G. L. 1871.
Vernon..... {	2d Tuesday in June 1st Tuesday after the 2d Mon- day in December	Viroqua..... {	Ch. 9, G. L. 1871.
Buffalo..... {	1st Tuesday in May 4th Tuesday in October	Alma {	Ch. 9, G. L. 1871.
Trempe'leau {	3d Tuesday in April 2d Tuesday in October	Galesville ... {	Ch. 9, G. L. 1871.
SEVENTH CIRCUIT.			
Marathon .. {	2d Monday in April 3d Monday in September...	Wausau {	Ch. 187, G. L. 1872, and Ch 127, L. 1873.
Portage {	4th Monday in January 2d Monday in July.....	Stevens Point {	Ch. 133, G. L. 1871.
Waushara .. {	4th Monday in March 2d Monday in September...	Wautoma {	Ch. 41, G. L. 1870.
Waupaca ... {	4th Monday in May 2d Monday in December ...	Waupaca {	Ch. 133, G. L. 1871.
Adams {	8d Monday in March 3d Monday in October ...	Friendship .. {	Ch. 143, G. L. 1870.
Juneau* {	1st Monday in May 2d Monday in October	Mauston {	Ch. 133, G. L. 1871.

*Ch. 36, G. L. 1871, provides that the general terms of the circuit court for the county of Juneau shall be held on the 2d Monday of Oct., and the second Monday in March, in each year.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
SEVENTH CIRCUIT—CON.			
Wood	2d Monday in February ... 2d Monday in August	Grand Rapids. }	Ch. 98, G. L. 1867.
EIGHTH CIRCUIT.			
Chippewa ..	2d Monday in June 2d Monday in December ..	Chippewa Falls }	Ch. 28, G. L. 1872.
Dunn and Barron*....	3d Monday in April 3d Monday in October	Menomonie .. }	Ch. 28, G. L. 1872.
Eau Claire..	4th Monday in March 4th Monday in September ..	Eau Claire.... }	Ch. 34, G. L. 1868.
Pepin	1st Monday in March 1st Monday in September ..	Durand	Ch. 34, G. L. 1868.
Pierce.....	4th Monday in May 4th Monday in November ..	Ellsworth }	Ch. 116, R. S.
St. Croix....	2d Monday in May 2d Monday in November ..	Hudson	Ch. 116, R. S.
NINTH CIRCUIT.			
Columbia ..	3d Tuesday in May 1st Tuesday in December ..	Portage	Ch. 149, G. L. 1867.
Dane.....	Wednesday after 1st Monday in April Wednesday after 1st Monday in November Special term, 2d Tuesday in July	Madison..... }	Ch. 9, G. L. 1869. Ch. 149, G. L. 1867.
Sauk	4th Monday in September .. 3d Monday in March	Baraboo..... }	Ch. 10, G. L. 1872.
TENTH CIRCUIT.†			
Outagamie .	1st Monday in June 2d Monday in November ..	Appleton..... }	Ch. 9, G. L. 1872.
Oconto	4th Monday in April 2d Monday in October	Oconto..... }	Ch. 9, G. L. 1872.
Shawano ...	1st Tuesday after the 4th Monday of June 1st Tuesday after the 2d Monday of January	Shawano..... }	Ch. 9, G. L. 1872.

* From and after the first Monday of January, 1874, the county of Barron is to be organized separately for judicial purposes, and the terms of the circuit court are fixed on the first Mondays of March and September—Chapter 84, laws of 1873.

† Every regular term in the counties of Brown, Outagamie and Oconto shall be a special term for the whole circuit.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
TENTH CIRCUIT—CON.			
Door.....	1st Tuesday after 3d Monday of May..... 1st Tuesday after 4th Monday of October.....	Sturgeon Bay.	Ch. 9, 1872.
Brown.....	4th Monday of March..... 1st Monday of September.. 2d Monday of December... Special term for whole circuit, 4th Monday of Jan..	Green Bay....	Ch. 9, G. L. 1872.
ELEVENTH CIRCUIT.			
Bayfield and Ashland*.	1st Tuesday after 2d Monday of July..... 2d Monday of January....	Bayfield.....	Ch. 3, G. L. 1871.
Douglas....	3d Monday of June..... 2d Monday of December...	Superior City.	Ch. 3, G. L. 1871.
Polk.....	2d Monday in March..... 4th Monday in September..	Osceola Mills.	Ch. 3, G. L. 1871.
Burnett.....	1st Monday of March..... 3d Monday of September...	Grantsburg....	Ch. 6, G. L. 1872.
TWELFTH CIRCUIT.			
Rock.....	4th Monday of April..... 2d Monday of August..... Wednesday next succeeding 1st Monday in Nov.....	Janesville.....	Ch. 4, G. L. 1871.
Green.....	1st Monday of March..... 2d Monday in July..... 1st Monday of October.....	Monroe.....	Ch. 4, G. L. 1871.
Jefferson....	1st Monday of February.... 4th Tuesday of June..... 1st Monday of September...	Jefferson.....	Ch. 4, G. L. 1871.

* On and after the first day of August, 1873, Ashland county is to be organized separately and the terms of the circuit court are fixed on the first Tuesday after the first Monday of January, and the third Monday of July—Chap. 166, laws of 1873.

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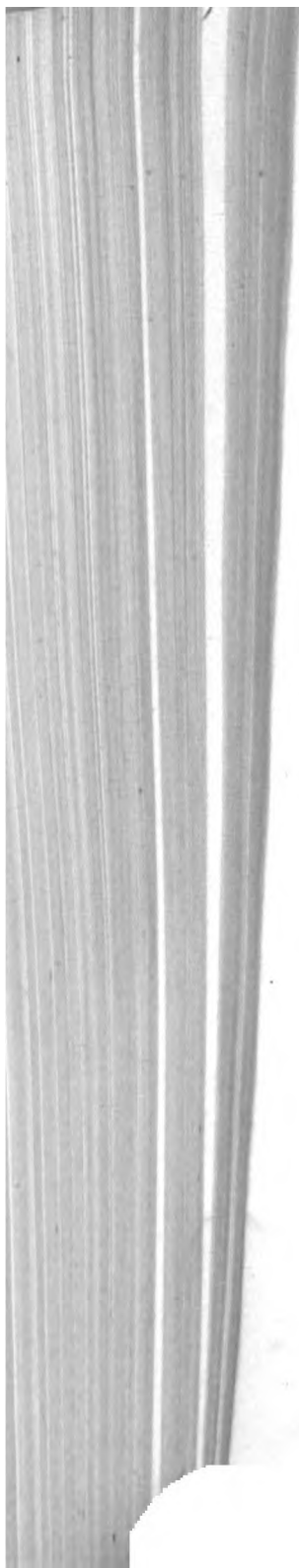
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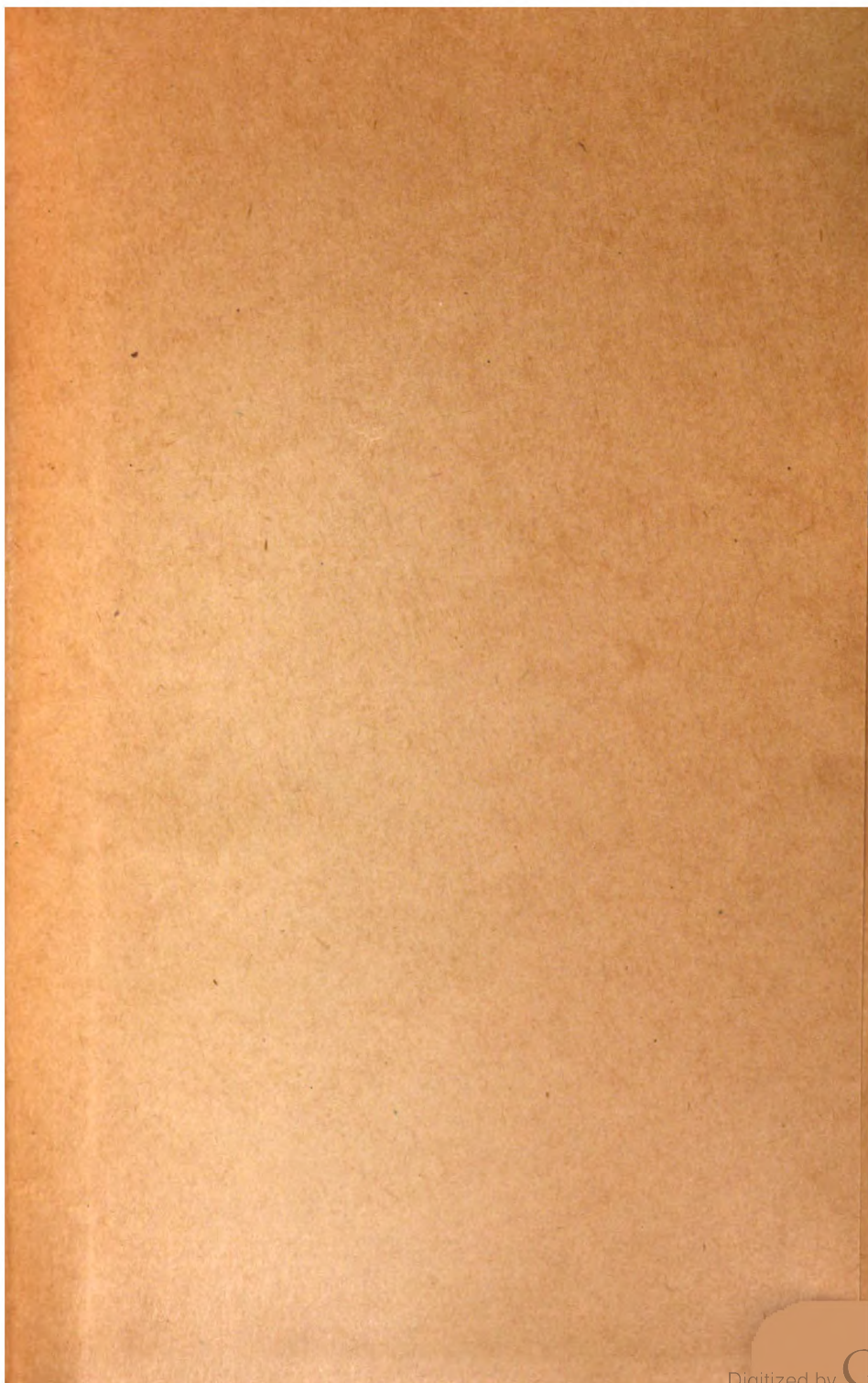
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